

SENATE.

THURSDAY, January 26, 1905.

The Senate met at 1 o'clock p. m.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SPOONER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, there being no objection.

JAMES WAH KIA CUS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, inclosing, with related papers, the draft of a proposed bill to authorize the Secretary of the Interior to cancel the trust patent issued to James Wah kia cus for certain lands in the State of Washington on his allotment application No. 5, Vancouver, Wash.; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

DETAIL OF RETIRED ARMY OFFICERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 23d instant, a list giving the names of the retired officers who are detailed for service, with their rank, location, and the service for which detailed; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

REFUND OF DUTY ON SEED WHEAT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, recommending the enactment of a law authorizing the Secretary of the Treasury to refund the duty paid on wheat actually used for seed, under rules and regulations prescribed by him; which was referred to the Committee on Finance, and ordered to be printed.

ANNUAL REPORT OF COMMISSIONER OF PATENTS.

The PRESIDENT pro tempore laid before the Senate the annual report of the Commissioner of Patents for the calendar year 1904; which was referred to the Committee on Patents, and ordered to be printed.

CREDENTIALS.

Mr. SMOOT presented the credentials of George Sutherland, chosen by the legislature of the State of Utah a Senator from that State for the term beginning March 4, 1905; which were read, and ordered to be filed.

Mr. MILLARD presented the credentials of ELMER J. BURKETT, chosen by the legislature of the State of Nebraska a Senator from that State for the term beginning March 4, 1905; which were read, and ordered to be filed.

Mr. NELSON presented the credentials of MOSES E. CLAPP, chosen by the legislature of the State of Minnesota a Senator from that State, for the term beginning March 4, 1905; which were read, and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 97) providing for the payment of the expenses of the Senate in the impeachment trial of Charles Swayne.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 2052. An act for the relief of Ramona O. Williams and Joseph A. Springer;

H. R. 12898. An act to create a new division in the eastern judicial district of the State of Missouri; and

H. R. 15477. An act to change the name of Thirteen-and-a-half street to Linworth place.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 14757. An act to further provide for Presidential succession; and

H. R. 16799. An act making Texas City, Tex., a subport of entry in the customs collection district of Galveston.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8460) providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture.

The message further returned to the Senate, in compliance

with its request, the bill (S. 5501) granting an increase of pension to Sarah A. Rowe.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

H. R. 16450. An act to authorize certain changes in the permanent system of highways, District of Columbia;

H. R. 16570. An act to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902; and

S. R. 17. Joint resolution to provide for the printing of 8,000 copies of the consolidated reports of the Gettysburg National Park Commission, 1893 to 1904, inclusive.

PETITIONS AND MEMORIALS.

Mr. STONE presented a petition of the Presbyterian Ministerial Association of St. Louis, Mo., praying for an investigation into the conditions existing in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Christian County, Mo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was ordered to lie on the table.

He also presented a petition of the board of directors of the Live Stock Exchange of Kansas City, Mo., and a petition of the board of directors of the Cotton Exchange of St. Louis, Mo., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Duncan, Ind. T., praying for the enactment of legislation providing for the opening of lands in Comanche County, Okla., giving settlers preference right to purchase; which was referred to the Committee on Public Lands.

Mr. KNOX presented petitions of the Woman's Missionary Society of the Second Presbyterian Church of Wilkinsburg; of Joshua L. Bailey, of Philadelphia; of William L. Bailey, of West Chester; of Sarah L. C. Huyck, of Starrucca, and of H. S. Keck, of Marienville, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were ordered to lie on the table.

He also presented memorials of the Woman's Christian Temperance Union of Bird in Hand; of the Woman's Christian Temperance Union of the Zion Church of Reading; of the Woman's Christian Temperance Union of the United Brethren Church of Reading; of the Woman's Home Missionary Society of the Christ Methodist Episcopal Church, of Pittsburg; of Henry Wilson Post, No. 129, Department of Pennsylvania, Grand Army of the Republic, of Milton; of the Woman's Christian Temperance Union of Boyertown, and of the congregation of the First Methodist Episcopal Church of Dorranceton, all in the State of Pennsylvania, remonstrating against the repeal of the present anticean law; which were referred to the Committee on Military Affairs.

He also presented the petitions of Joseph Howard, of Emporium; of J. G. Schaal, of Pittsburg; of H. B. Mitchell, of Harrisburg; of C. M. Elliott, of Lock Haven; of Herbert Dupuy, of Pittsburg, all in the State of Pennsylvania, and of Bishop Satterlee, of Washington, D. C., praying for the enactment of legislation providing for the opening and improving of Massachusetts and Boundary avenues NW., in the city of Washington, D. C.; which were referred to the Committee on the District of Columbia.

He also presented petitions of the congregation of the Northminster Presbyterian Church, of Philadelphia; A. E. Bacon, of Philadelphia; C. W. Chain, of Philadelphia; Z. M. Briggs, of Philadelphia; Mary Janney, of Philadelphia; J. G. Fuller, of Philadelphia; Thomas Collins, of Philadelphia; W. W. Allen, of Philadelphia; E. L. Burnett, of Philadelphia; J. W. Cochran, of Philadelphia; N. E. Janney, of Philadelphia; J. R. Rushman, of Philadelphia; E. H. Farr, of Philadelphia; W. W. Fiske, of Philadelphia; C. R. Woodruff, of Philadelphia; of the Woman's Home Missionary Society of Christ Methodist Episcopal Church, of Pittsburg; B. F. Kendall, of Marienville; H. W. Lippincott, of Philadelphia; E. W. Lowery, of Philadelphia; J. S. Cox, of Philadelphia; of the Parents' and Teachers' Club of the Heston School, of Philadelphia; Laura E. C. Barney, of Philadelphia; A. B. Hoxie, of Philadelphia; L. K. Johnson, of Philadelphia; of the Lutheran Ministerial Association of Allegheny County, all in the State of Pennsylvania, and the Woman's Republican Club of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a

Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of sundry members of Patriotic Order Sons of America of Windsor, of Patriotic Order Sons of America of Bonair, of Patriotic Order Sons of America of Annville, of Patriotic Order Sons of America of Noxen, of Patriotic Order Sons of America of Marietta, of Patriotic Order Sons of America of Laurelton, of Patriotic Order Sons of America of Minersville, of Patriotic Order Sons of America of Icksburg, and of Patriotic Order Sons of America of Trevorton, all in the State of Pennsylvania, praying for the enactment of more stringent laws and regulations governing immigration; which were referred to the Committee on Immigration.

He also presented petitions of Campbell's Lodge, Division No. 65, Order of Railway Conductors, of Pittston; of Good Will Lodge, No. 106, Brotherhood of Railroad Trainmen, of Allegheny; of Reading Division, No. 75, Brotherhood of Locomotive Engineers, of Reading; of McKees Rocks Division, No. 201, Order of Railway Conductors, of McKees Rocks; of S. B. Neff Lodge, No. 225, Brotherhood of Railroad Trainmen, of Pittsburgh; of Dunmore Lodge, No. 382, Brotherhood of Railroad Trainmen, of Dunmore, and of Sunbury Division, No. 187, Order of Railway Conductors, of Sunbury, all in the State of Pennsylvania, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. DOLLIVER presented a petition of Local Division No. 410, Order of Railway Conductors, of Belle Plaine, Iowa, praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. PENROSE presented a petition of the Trades League of Philadelphia, Pa., praying for the enactment of legislation to correct the present inequality in the law by which the Government can recover interest and costs on duties in case of underpayment, etc.; which was referred to the Committee on Finance.

He also presented a memorial of the congregation of the First Methodist Church of Dorranceton, Pa., remonstrating against the repeal of the present antitean law; which was referred to the Committee on Military Affairs.

He also presented a memorial of the congregation of the First Methodist Episcopal Church of Shenandoah, Pa., remonstrating against the passage of the so-called "Hamilton statehood bill;" which was ordered to lie on the table.

He also presented a petition of Franklin Grange, No. 1169, Patrons of Husbandry, of Franklin, Pa., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Sunbury Lodge, No. 43, Brotherhood of Railroad Trainmen, of Sunbury, Pa., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented petitions of Patriotic Order Sons of America, of Mountaintop; of sundry citizens of Noxen; of Patriotic Order Sons of America, of Laurelton, and of sundry citizens of Marietta, all in the State of Pennsylvania, praying for the enactment of legislation providing more stringent laws regulating immigration; which were referred to the Committee on Immigration.

He also presented a petition of the Lancaster County Retail Druggists' Association, of Lancaster, Pa., and a petition of the Dauphin County Pharmaceutical Association, of Harrisburg, Pa., praying for the adoption of an amendment to the Revised Statutes, relating to medicinal preparations; which were referred to the Committee on Patents.

He also presented petitions of the congregations of the United Evangelical Church of Lewistown; the Presbyterian Church of Lewistown; St. John's Lutheran Church, Lewistown; the Presbyterian Church of Reedsville; the Presbyterian Church of Burnham; the Presbyterian Church of Milroy; the Methodist Episcopal Church of Reedsville; the Methodist Episcopal Church of Lewistown; the Methodist Episcopal Church of McVeytown; the Methodist Episcopal Church of Burnham; the Methodist Episcopal Church of Milroy; the Methodist Episcopal Church of Newton Hamilton, and of the Trinity Reformed Church of Lewistown, all of the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

VESSELS OF THE NAVY.

Mr. HALE. I present a paper containing certain information, in tabular form, relating to vessels, the personnel and appropriations of the Navy, and the comparative strength of the great naval powers. I move that the paper be printed as a document,

and referred to the Committee on Naval Affairs, and that 300 additional copies be printed for the use of that committee. The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. CLAY, from the Committee on Commerce, to whom was referred the bill (S. 6761) making appropriation and providing for the construction of a United States revenue cutter for service in the harbor of San Francisco, State of California, reported it without amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 17333) to authorize the construction of a bridge across Red River at Shreveport, La.; and

A bill (H. R. 17749) authorizing the Kensington and Eastern Railroad Company to construct a bridge across the Calumet River.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the bill (S. 6648) to establish a light and fog signal station near Point Cabrillo, Cal., reported it without amendment, and submitted a report thereon.

Mr. BALL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8077) granting an increase of pension to John McFarlane;

A bill (H. R. 11312) granting an increase of pension to Malana W. Brant;

A bill (H. R. 13260) granting an increase of pension to William Starks; and

A bill (H. R. 7378) granting an increase of pension to Israel Purdy.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 9758) for the relief of the heirs of George McGhehey for services rendered as mail contractor, reported it without amendment, and submitted a report thereon.

EMPLOYMENT OF ASSISTANT CLERK.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Minnesota [Mr. CLAPP] on the 23d instant, to report it with amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendments were, in line 4, to strike out the words "period of one month" and insert "remainder of the session;" and after the words "hundred dollars," in the same line, to insert the words "per month;" so as to make the resolution read:

Resolved, That the chairman of the Senate Committee to Examine the Several Branches of the Civil Service be, and is hereby, authorized to employ an assistant clerk for the remainder of the session, at a salary of \$100 per month; and the Secretary of the Senate is authorized to pay said salary from the contingent fund of the Senate.

The amendments were agreed to.

The resolution as amended was agreed to.

COMPILATION OF LAWS RELATING TO IMPROVEMENT OF RIVERS AND HARBORS.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. J. Res. 164) for the printing of a compilation of the laws of the United States relating to the improvement of rivers and harbors, to report it favorably without amendment, and I ask for its present consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole. It provides that there shall be printed 3,000 copies of a compilation of the laws of the United States relating to the improvement of rivers and harbors, passed until and including the laws of the second session of the Fifty-eighth Congress, of which 600 copies shall be for the use of the Senate, 1,400 copies for the use of the House of Representatives, and 1,000 copies for the use of the War Department, the compilation to be printed under the direction of the Secretary of War.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PORT OF NORWALK, CONN.

Mr. PENROSE. I am directed by the Committee on Commerce to report back favorably without amendment the bill (H. R. 16790) making Norwalk, Conn., a subport of entry. I call the attention of the Senator from Connecticut [Mr. PLATT] to the report.

Mr. PLATT of Connecticut. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to constitute Norwalk a subport of entry in the customs collection district of Fairfield, Conn.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. McCOMAS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6880) granting an increase of pension to Robert G. Bordley;

A bill (S. 6881) granting an increase of pension to John P. Enoch;

A bill (S. 6882) granting an increase of pension to Rebecca A. Holbrook (with an accompanying paper);

A bill (S. 6883) granting an increase of pension to Jesse Hyder (with an accompanying paper);

A bill (S. 6884) granting an increase of pension to John P. Socks; and

A bill (S. 6885) granting an increase of pension to Daniel Creamer.

Mr. BERRY introduced a bill (S. 6886) to give the consent of the United States for the State of Arkansas to extend her western boundary line; which was read twice by its title, and referred to the Committee on Territories.

Mr. KNOX introduced a bill (S. 6887) granting a pension to Benjamin F. Zell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 6888) granting a pension to W. M. Morgan; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6889) granting an increase of pension to Hugh F. Taylor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 6890) for the relief of the heirs of the late Jennie Hunter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 6891) for the relief of George G. Wortman; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6892) granting an increase of pension to Richard H. Tombaugh; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 6893) granting an increase of pension to Nancy Littlefield; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 6894) granting an increase of pension to William Kress; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALGER introduced a bill (S. 6895) granting an increase of pension to Ann E. Gridley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 6896) granting an increase of pension to William Gleason; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6897) granting an increase of pension to James Flanagan; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6898) granting an increase of pension to Joseph Wood, alias Joseph Rule; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FULTON introduced a bill (S. 6899) granting a pension to Eda W. McCammon; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6900) for the relief of W. E. Gorton; which was read twice by its title, and referred to the Committee on Territories.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PENROSE submitted an amendment providing that hereafter the expert accountant, Inspector-General's Department, shall have the rank and pay of captain, mounted, and authorizing the President to appoint, by and with the advice and consent of the Senate, the present expert accountant, Inspector-General's Department, to that rank and grade, intended to be proposed by him to the army appropriation bill; which, with the accompanying paper, was ordered to lie on the table and be printed.

Mr. CLAPP submitted an amendment proposing to insert, after the words "under the act of January 14, 1889," in the provision relating to the return of deposits to purchasers of pine timber from the lands of the ceded Chippewa Indian Reserva-

tion, in the State of Minnesota, the words "as amended by act of June 27, 1902," intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. TELLER submitted an amendment proposing to appropriate \$180,000, to be paid out of the proceeds of the sales of the Osage lands in Kansas, to pay the executor or the administrator of the late C. N. Vann and William P. Adair, respectively, the balance due under the resolution of the national council of the Osage Indians, passed and approved June 26, 1875, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$2,500 for salary of consul at Hermosillo, Mexico, and a like amount for salary of consul at Jalapa, Mexico, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. HEYBURN submitted an amendment proposing to appropriate \$1,200 for a superintendent in charge of agency and educational matters on the Cœur d'Alene Reservation, in Idaho, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$15,000, \$5,000 of which shall be immediately available, for experimenting in fertilizers, intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

HOUSE BILLS REFERRED.

H. R. 14757. An act to further provide for Presidential succession was read twice by its title, and referred to the Committee on the Judiciary.

H. R. 16799. An act making Texas City, Tex., a subport of entry in the customs collection district of Galveston was read twice by its title, and referred to the Committee on Commerce.

ARMY APPROPRIATION BILL.

Mr. PROCTOR. I ask that the army appropriation bill, House bill 17473, be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill (H. R. 17473) making appropriation for the support of the Army for the fiscal year ending June 30, 1906.

Mr. PROCTOR. As the Senate is thin, I will give way for any business on the Calendar which will not lead to discussion.

SIERRA FOREST RESERVE.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (H. R. 17345) to exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment.

Mr. PETTUS. I should like to inquire of the Senator in charge of the bill the number of acres, or approximately the number of acres, included.

Mr. KITTREDGE. I can not give the exact number of acres. It is quite a large tract, however. The bill is based upon the report of a commission authorized by Congress at its session of a year ago. The bill is drawn upon the report of that commission, it is approved by the Secretary of the Interior, and it comes with a unanimous report in its favor from the Committee on Forest Reservations and the Protection of Game.

Mr. PETTUS. About what number of acres does it include?

Mr. KITTREDGE. I am unable to give the exact number of acres without referring to papers.

The bill was ordered to a third reading, read the third time, and passed.

Mr. KITTREDGE. I call attention to Order of Business 2959 on the Calendar, being the bill (S. 6490) to exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve. It is a Senate bill involving the same proposition. I think it should be indefinitely postponed.

The PRESIDENT pro tempore. The bill will be indefinitely postponed.

Mr. STEWART subsequently said: I move to reconsider the vote by which the bill (H. R. 17345) to exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve, was passed.

The PRESIDENT pro tempore. The motion will be entered.

GRAND ENCAMPMENT OF KNIGHTS TEMPLAR.

Mr. GALLINGER. I ask for the present consideration of the bill (S. 6584) to incorporate the trustees of the grand encampment of Knights Templar of the United States of America.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, in section 3, page 3, line 14, to strike out the word "said" before the word "permanent;" so as to read:

That this corporation shall have authority and be empowered to take, hold, manage, control, and invest the permanent fund of \$30,000 of said grand encampment, and such additions as shall be made thereto from time to time.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. The committee report to strike out the preamble.

The PRESIDENT pro tempore. The preamble will be stricken out, there being no objection.

CONSTRUCTION OF IRRIGATION WORKS.

Mr. HANSBROUGH. I ask unanimous consent for the consideration of the bill (H. R. 14710) authorizing the use of earth, stone, and timber on the public lands and forest reserves of the United States in the construction of works under the national irrigation law.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Lands with amendments, on page 1, line 9, after the word "lands," to strike out "and forest reserves;" and in line 11, after the word "works," to insert "and the Secretary of Agriculture is hereby authorized to permit the use of earth, stone, and timber from the forest reserves of the United States for the same purpose, under rules and regulations to be prescribed by him;" so as to make the bill read:

Be it enacted, etc., That in carrying out the provisions of the national irrigation law, approved June 17, 1902, and in constructing works thereunder, the Secretary of the Interior is hereby authorized to use and permit the use by those engaged in the construction of works under said law, under rules and regulations to be prescribed by him, such earth, stone, and timber from the public lands of the United States as may be required in the construction of such works, and the Secretary of Agriculture is hereby authorized to permit the use of earth, stone, and timber from the forest reserves of the United States for the same purpose, under rules and regulations to be prescribed by him.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

NOAH DILLARD.

Mr. PLATT of Connecticut. I ask unanimous consent for the consideration of the bill (H. R. 3109) for the relief of Noah Dillard.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Claims with amendments.

The first amendment was to strike out after the enacting clause the words:

That the Secretary of the Treasury of the United States of America be, and he is hereby, authorized and directed to pay to Noah Dillard, one-half out of any moneys not otherwise appropriated and one-half out of the revenues of the District of Columbia.

And in lieu to insert:

That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to pay to Noah Dillard.

So as to read:

That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to pay to Noah Dillard the sum of \$303.12, or so much thereof as may be found due him, for labor performed and material furnished under contracts dated July, 1872, and August 7, 1873, and entered into by the board of public works of the District of Columbia and Noah Dillard and Parker Moulton, contractors, which contracts were numbered, respectively, No. 388 and No. 821, and now on file in the office of the Commissioners of the District of Columbia, together with all extensions and assignments of said contracts known and of record as aforesaid numbered 388 and 821.

The amendment was agreed to.

The next amendment was, on page 2, line 15, after the word "same," to insert:

To provide for the payment herein authorized, the sum of \$303.12, or so much thereof as may be necessary, is hereby appropriated, one-half out of any money in the Treasury not otherwise appropriated and the other half out of the revenues of the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ESTATE OF HENRY LEE, DECEASED.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (H. R. 6375) for the relief of the executors of the estate of Henry Lee, deceased.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to pay to the executors of the estate of Henry Lee, late a merchant in the city of Boston, in the State of Massachusetts, \$3,750, being an excess of taxes improperly levied and collected on legacies and distributive shares of the personal property of the said estate, which tax was paid by the executors on March 15, 1899; said payment to be in full for all claims by reason of such assessment and collection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARMY APPROPRIATION BILL.

Mr. PROCTOR. The army appropriation bill is before the Senate, I believe.

The PRESIDENT pro tempore. The army appropriation bill is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17473) making appropriation for the support of the Army for the fiscal year ending June 30, 1906.

Mr. PROCTOR. On page 21, line 8, I move that the word "five" be stricken out and the words "six, or any other act" inserted. There was a clerical error in copying the language of the appropriation act of last year.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 21, line 8, after the words "hundred and," strike out "five" and insert the words "six, or any other act;" so as to read:

And nothing in the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1906, or any other act, shall hereafter be held or construed so as to deprive officers of the Army, wherever on duty in the military service of the United States, of forage, bedding, shoeing, or shelter for their authorized number of horses, or of any means of transportation or maintenance therefor for which provision is made by the terms of this act.

The amendment was agreed to.

Mr. PROCTOR. Now, I wish to call up the two amendments on pages 28 and 30, which have relation to each other. I call the attention of the senior Senator from New Hampshire [Mr. GALLINGER] to the amendment.

The PRESIDENT pro tempore. The amendment on page 28 will be stated.

The SECRETARY. On page 28, line 20, after the word "oceans," the Committee on Military Affairs report to insert:

And hereafter no steamship in the transport service of the United States shall be sold or disposed of without the consent of Congress having been first had or obtained.

Mr. PLATT of Connecticut. What is the next one?

Mr. GALLINGER. The other is where the committee propose to strike out the House provision on page 30.

The PRESIDENT pro tempore. The question is on agreeing to the amendment on page 28.

Mr. GALLINGER. The only object I had, Mr. President, in requesting yesterday that this amendment should go over was to ask the Senator in charge of the bill the particular purpose he has in view in inserting that language in the bill. I notice that in the bill of last year there was a similar provision.

Mr. President, if the statistics which have been furnished me are correct, I find that there are now eight transports not in service, the total cost of them having been \$4,474,431.63. Those transports—the *Grant*, the *Hancock*, the *Hooker*, the *McPherson*, the *Sedgwick*, the *Rosecrans*, the *Missouri*, and the *Relief*—are, as I said, not now in service. They cost the Government nearly \$5,000,000, and this provision prevents them from being disposed of unless we pass an act of Congress in each instance. I presume there is some good reason for it, but it did not appeal to me as I read the bill.

Mr. PROCTOR. Mr. President, I hardly think it would be necessary to pass an act of Congress in each instance. General authority given to the Secretary of War to dispose of them might cover the whole matter. I will state the reason for putting in this provision. It has been in the previous bills.

The transport service was established in a time of emergency at a very great cost. It was a necessity then. As might be expected, high prices were probably paid for some of these ves-

sels. Those that have been sold have brought, as I have looked over the list, I should think, from 5 to 20 or possibly 25 per cent of their cost, and many of them were sold at the low percentage. It may be that the Government can get this transport service by private companies at a less cost. The work that the Government does usually costs more than that done by private companies. But we have stricken out a provision on page 30 which prohibited the Government from employing private companies for the transport service. We thought that removed the principal objection to the insertion of this paragraph, which had been inserted in previous appropriation bills.

The East seems to be the theater of danger, and we do not know but that we may be called on for the use of additional transports there. It seemed to the committee wise that they should be retained. Congress meets frequently, and there can be no loss in reserving this right to Congress. In haste these transports might be sold, and unwisely sold, perhaps. It is too important a matter, it seemed to the committee, to leave in the discretion of a Department to abolish a system that had been established at so much cost.

It appeared to us that it was wise insurance against possible combinations or exorbitant charges by private companies, and that it would be better to retain these vessels until Congress could take some positive action.

Mr. GALLINGER. Mr. President, I had no thought of asking that the transport service should be abandoned, although, in my judgment, that would be a wise thing to do. Great Britain had a transport service between her home ports and her colonies which she sustained for a great many years, but some years ago she abandoned it, I think, forever, because of its expensiveness and her desire to build up her merchant marine.

I am personally persuaded that if the matter of the transportation of army supplies were opened to the owners of American vessels instead of the Government going into this business in competition with American shipowners, we would get a much cheaper service than we are getting now.

The record shows that the Government owns twenty-two transports, and that they have cost \$12,742,578.55. Of those transports, as I observed a moment ago, eight are out of commission at the present time, and those eight cost the Government \$4,474,431.63. It strikes me that the transports out of commission might well be disposed of in the discretion of the Secretary of War, if a purchaser should come along, without having the matter tied up as the bill ties it up, so that no disposition can be made of them until we pass an act of Congress giving authority to the Secretary of War to do that.

Mr. President, when the Merchant-Marine Commission held its sessions on the Pacific coast we were met by a suggestion that impressed me very profoundly, and it was this: The Government of the United States has commissioned you gentlemen, at some expense, to come here and inquire what can be done to rehabilitate the merchant marine, and yet that very Government is in competition on this coast with American shipbuilders and shipowners in the matter of transportation. Our suggestion would be to you, gentlemen, to get rid of this competition in the first place before you ask the American people to spend their money toward rehabilitating or restoring the merchant ships. That suggestion made a very profound impression on my mind. The commission made a careful investigation of the subject, and I want to read from the report of the commission what they thought of the matter at the time their report was made, and I think no change of sentiment has since occurred on this question.

Mr. TELLER. May I ask the Senator from New Hampshire what he is about to read?

Mr. GALLINGER. From page 39 of the report of the Merchant Marine Commission, made to the Senate on the 4th day of January.

In the hearings of last summer at Puget Sound and San Francisco it was discovered that mercantile sentiment on the Pacific coast very earnestly demanded the abandonment of the transport service to and from the Philippines, on which the Government had entered from necessity in the Spanish war. This transport service has been practically suspended on the Atlantic Ocean; it is only on the Pacific that it has been retained, and there it has been partly discontinued. But several large transports, foreign-built vessels, are still in operation between the Philippines and the Pacific seaboard, conveying not only soldiers, but all manner of Government freight and supplies, and even a considerable number of civilian passengers.

In other words, the Commission, instructed by Congress, on the recommendation of the President, to investigate the feeble and even desperate condition of the American merchant marine, found that the Government itself was directly and powerfully contributing to the decline of American merchant shipping on the Pacific Ocean by operating rival lines of foreign-built craft, and depriving American vessels, in a time of profound peace, of a business to which they were legitimately entitled. Not only this, but it was insisted that the Government was actually conducting this business at a very much higher price than that for which American shipowners were willing to perform the service.

Mr. BAILEY. Mr. President—

Mr. GALLINGER. I yield to the Senator from Texas.

Mr. BAILEY. Mr. President, under the order of the Senate it becomes necessary for me to attend a meeting to hear arguments on a matter now pending before the Committee on Privileges and Elections. I must be in the committee room at 2 o'clock, and so I am going to ask the indulgence of the Senator from New Hampshire [Mr. GALLINGER] and the indulgence of the Senator from Vermont [Mr. PROCTOR] to now present an amendment to the pending bill, which I proposed on yesterday. I believe it is in order to offer the amendment now, and I should like to have a vote on it at this time.

Mr. PROCTOR. Under the circumstances, I shall not object to the amendment being now considered out of its order.

Mr. HALE. Let us hear what it is, Mr. President.

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent for the present consideration of an amendment proposed by him to the pending bill. The amendment will be stated.

The SECRETARY. On page 31, line 21, before the word "thousand," it is proposed to strike out "fifteen" and insert "ninety;" so as to make the total appropriation for "construction and repair of hospitals," \$390,000.

It is also proposed to insert at the end of line 22, after the word "dollars," the following:

Provided, That \$75,000 be used in the erection of a modern sanitary hospital at Fort Sam Houston, Tex.

Mr. BAILEY. Mr. President, I only wish to say that this is in accordance with the repeated recommendations of the Department.

The PRESIDENT pro tempore. Is there objection at the present time to receiving and considering the amendment proposed by the Senator from Texas? The Chair hears none.

Mr. PROCTOR. I make no objection, Mr. President. The erection of this hospital has been, as the Senator from Texas says, very strongly recommended. There are others which have also been recommended, but I should have to object to them. This, however, I think, is at the head of the list. It is the most important post in Texas, and I think perhaps a hospital is most needed there. I therefore make no objection to the amendment.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, the report of the Merchant Marine Commission goes on to say:

A MATTER OF BOOKKEEPING.

To all of the members of the Commission who visited the Pacific coast this procedure of the War Department appeared to be absolutely indefensible. It is true that in his recent annual report the Quartermaster-General of the Army figures out a profit of \$398,236 for the transport service as compared with the rates which commercial steamers would have charged, but this profit, as a matter of fact, is altogether due to a radical difference in bookkeeping methods between commercial steamship companies and the Quartermaster's Department.

Steamship companies, like all other private business enterprises, are compelled to pay taxes, to pay insurance rates—and marine insurance is high—and to make large annual allowances for interest and depreciation. One of the witnesses before the Commission at San Francisco was the major and quartermaster in charge of the army transport service there. He was questioned as follows:

"Representative MINOR. Major, have you in your calculation made any allowance for deterioration?"

"Major DEVOL. No, sir."

"Representative MINOR. Ordinarily, I believe, that is 5 per cent, is it not?"

"Major DEVOL. We do not carry that; neither do we carry interest on investment."

"Representative MINOR. Then you do not pay any taxes, of course, as shipowners would have to pay?"

"Major DEVOL. No, sir."

"The CHAIRMAN. Do you insure the Government property?"

"Major DEVOL. We never insure."

"The CHAIRMAN. So you take that risk?"

Major Devol further stated that the original cost of the four transports now performing the Manila service "could probably be reckoned at \$4,000,000"—others were being held in reserve. The usual allowance of a steamship company for taxes, interest, insurance, and depreciation would not be far from 15 per cent per annum, or about \$600,000 on these four transports, to say nothing of the fixed charges on the others—charges which the Quartermaster's Department may ignore, but which can not be so lightly treated in the economics of an ordinary business corporation. Of course these charges would convert the profit of the transport service into an undeniable deficit.

COSTLY AS WELL AS UNWISE.

And though these charges may be overlooked, they can not be ignored. Deterioration proceeds as inevitably in the transport as in the liner. Most of these foreign-built transports on the Pacific were by no means new vessels when they were acquired. In general efficiency and economy of operation they are not to be compared with the new American-built commercial steamships which American enterprise has put into service on the Pacific Ocean since the war with Spain. A steamship manager at Seattle testified that his company could have saved the Government \$150,000 in two years if the supplies carried by an old foreign-built transport had been conveyed by his new commercial steamers. Said this witness, Mr. Frank Waterhouse, managing agent of the Boston Steamship Company:

"I think I can show you that we can carry cargo cheaper than the

Dis, for this reason if no other: On the *Dis* there is no return cargo from the Philippine Islands. All her cargo is one way. We could not begin to operate our line under any circumstances if we took cargo but one way. Now, we carry cargo both ways. Our average earnings east bound are fully as much as our average earnings west bound. Of course, that is bound to tell in the cost.

"Representative SPRIGHT. In that way you are able to carry cheaper than the Government?"

"Mr. WATERHOUSE. Certainly; we carry cargo both ways."

If the same bookkeeping methods by which such factors as taxes, interest, insurance, and depreciation are entirely ignored, were applied to other transactions, it could doubtless be proved beyond dispute that the United States Government could not only conduct a steamship business more cheaply than private shipowners, but that it could make steel rails and woolen cloth and boots and shoes at a lower price; that it could mine coal more cheaply, do the country's banking, and operate its railroads. But if the United States Government is to attack any industry as a competitor, it ought in all fairness to select one that is prosperous and robust, and not set up as a rival to an interest that, because of long-continued neglect, is now fighting a veritable battle for existence.

The two American steamship companies which regularly ply across the Pacific to Asia and the Philippines are face to face with overwhelming odds in the large subsidies enjoyed by the parallel lines of Japanese and British steamers. The least that our Government could do to aid these American lines would be to give them the carrying of its own soldiers and their supplies. Neither Great Britain nor Germany maintains a transport service. Both nations find it more satisfactory and economical to make use of their regular commercial steamers, and both nations thereby foster and encourage in a perfectly legitimate way the enterprise of their shipowners and merchants. The United States stands alone in denying this assistance to its maritime interests.

SECRETARY ROOT'S VIEW.

For some inexplicable reason, the gradual discontinuance of the transport service of the United States, which Hon. Elihu Root noted and commended in his annual report as Secretary of War in 1902, seems now to have been arrested. Mr. Root spoke of the sale of some transports and the laying up of others, and added:

"In October bids were invited from commercial lines for transportation of passengers and freight for the Army between San Francisco, Portland, Seattle, and Tacoma and Manila until June 30, 1903. A number of bids have been received, but the comparative advantage of operating under them has not yet been worked out, and no contract has been awarded. As rapidly as it becomes apparent that the Government business can be done more economically in any part or as a whole by this method it is the purpose of the Department to follow the same course which has been followed upon the Atlantic in discontinuing the use of Government transports and to put the business in the hands of commercial lines on the basis of open competition.

"I am satisfied that it is practicable for private shippers to do ordinary business much cheaper than it is possible for the Government to do it under the limitations which rest upon Government action, and that they can afford to do the business for less than it costs the Government and still make a profit. At the same time, by following this method, the Government will be aiding to build up regular commercial lines between the Pacific coast and Manila, which is much to be desired."

The Commission earnestly indorses this authoritative recommendation, and urges Congress to complete as soon as possible the discontinuance of the transport service, as a measure of economy and a sure and acceptable encouragement to American trade and navigation on the Pacific Ocean. The military power of the United States will be not the loser, but the gainer, by an enlightened policy tending to increase the number of modern American steamships available for use, and to strengthen our commerce with the Orient.

Mr. President, the Commission found in their investigations on Puget Sound and the Pacific coast that there are now a very large number of American vessels lying idle, unable to compete with the Japanese, German, French, and English steamships, which are so heavily subsidized, and which are run at a much less cost than American steamships possibly can be. In their desire to aid the American merchant marine, in their desire to be able to report to Congress that there was in this respect, as in other respects, some hope that the American merchant marine might be revived, the Commission were unanimous in the view that this was one point that they could safely recommend to Congress, and which they hoped would be accepted by Congress.

The Commission could see no reason why the Government, operating steamships at a higher cost than private citizens, should be in competition with American steamship owners, and they were very clearly of the opinion that the transport service ought, gradually of course, to be discontinued, and that we should follow the example that all the other great commercial and maritime nations of the world have adopted in this regard. But, Mr. President, to my utter surprise, when this bill came over from the other House, where attention was called to this matter by a gentleman representing a district on Puget Sound, I found in the bill this most remarkable provision:

Provided, That no part of the \$12,000,000 hereby appropriated shall be paid to any steamship company for the transportation of supplies or enlisted men or officers of the United States from the Philippine Islands to the United States or from the United States to the Philippine Islands.

Mr. President, I confess that I have been utterly at a loss to understand how any man representing the American people, at a time when we are trying to devise means to rehabilitate the American merchant marine, could have voted for a provision that absolutely prohibits American steamships from engaging in the business of carrying supplies between the United States and the Philippine Islands; and I congratulate the Senator

from Vermont and his committee for having struck that from the bill, which, I apprehend, they will see does not appear in it again, because it is a most vicious provision, and one which, if enacted into law, would be notice served upon the American people that Congress is hostile to the American merchant marine, and that Congress is willing, while we now carry an aggregate of only about 9 per cent of our exports and imports in American vessels, to so legislate that we should even be put in a position where the American merchant marine would be in worse shape than it is at the present time.

Mr. HALE. I am very glad the Senator has called attention to that remarkable provision as it came from the House of Representatives, which he has read, as follows:

Provided, That no part of the \$12,000,000 hereby appropriated shall be paid to any steamship company for the transportation of supplies or enlisted men or officers of the United States from the Philippine Islands to the United States or from the United States to the Philippine Islands.

Let me ask the Senator if that does not absolutely prevent American-built and American-manned merchant ships and steamers from competing for this business?

Mr. GALLINGER. Absolutely so. If there were 5,000,000 feet of lumber to be transported from Puget Sound to the Philippine Islands, and an American ship offered to carry it for 25 per cent less than a transport could carry it for, the American vessels would be prohibited from taking the cargo.

Mr. BEVERIDGE. What was the reason given?

Mr. HALE. So that it is the theory of the provision that American-built ships shall have no part in the Government service. The provision goes absolutely to the furthest point, that American-built ships shall not be allowed to bid for these contracts, and they are excised from this trade entirely. Is not that the fact?

Mr. GALLINGER. It goes further than that, if I read the provision correctly. I think the provision also excludes foreign steamships from that trade.

Mr. SPOONER. It excludes all steamships.

Mr. GALLINGER. It gives an absolute monopoly to the transport service of the United States.

Mr. HALE. I am not so much interested in that as I am in this. I should like to have somebody explain how it was that a provision of that kind, which it seems to me nobody could favor, was put in the bill. Senators who are opposed to outright subsidies certainly would not be in favor of excluding American ships, now built and ready for the trade, from bidding and competing for it; but this provision of the bill, as it came from the House, absolutely excludes them.

Mr. BEVERIDGE. It excludes all ships, does it not?

Mr. HALE. I am not so much interested in "all ships." I am interested in American ships. Of course it excludes all ships, but that I am not so much interested in as that it excludes our own ships, our American-built ships. It is not a question of subsidy; it is a question of their being permitted to compete for this Government trade. As the Senator from New Hampshire so well stated, every other country on the face of the globe favors and discriminates in favor of its own marine in its government work and in its government transportation; and here is a most remarkable provision that strikes a blow right in the face of every American-built and American-manned ship.

I am very glad that the Senate committee has gone as far as they have in striking out the provision which prohibits any steamship company from engaging in the Government's Philippine trade; but I can see, Mr. President, if the Senator from New Hampshire will allow me—

Mr. GALLINGER. Certainly.

Mr. HALE. That they do not need to put in this other provision which forbids the War Department, although it finds that it can get this service done cheaper, from selling these useless ships that have been built and bought abroad and brought into the service in time of war. Why should not that be left to the Department?

Mr. KEAN. May I ask the Senator from Maine a question?

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from New Jersey?

Mr. HALE. Yes.

Mr. KEAN. Would these foreign ships now owned by the Government be admitted to American registry if they were sold?

Mr. HALE. Only by act of Congress.

Mr. KEAN. I hope that will be done.

Mr. HALE. That certainly can be left to the Department. If the Department finds that it has got these useless ships on its hands and, under whatever the law may be, can sell them, dispose of them, and get the work done more cheaply by our own ships, certainly we ought not by a prohibition to prevent the Department from selling these vessels. It is safe enough to

leave it to the Department without this provision. If they do not want to sell them and can use them to advantage, they will not sell them; but to say that they shall not sell them if the exigencies of the case demand it seems to me very unreasonable. It is not so bad a provision as the one stricken out, but it seems to me, with deference to the Senator from Vermont, that it is a needless provision.

Mr. PROCTOR. Mr. President, before the Senator from Maine came in I stated briefly the reason for inserting this provision that has been in previous army appropriation bills. Already in these vessels has deterioration taken place, and has now gone clear down to the bottom. They would bring, if sold, very little indeed; but they are, as I said, a kind of insurance that it seems to me it is wise to keep—an insurance against exorbitant charges by private lines or combinations between them. There may arise an emergency where they will be needed, and it seems unwise to give to the Department the discretion of changing, by a hasty order perhaps, a service that has been established at so much cost and that has accomplished an excellent purpose, though at a high price, to be sure.

Mr. HALE. It is not quite a question of giving to the Department the discretion. This provision takes away from the Department the discretion, and declares that they shall not sell these transports. If, in the course of due administration, the Department finds the best thing to do is to sell them, we do not give them the power to do so, but we declare the vessels shall not be sold. Does the Senator himself want to go so far as that? Is it not safe to leave the matter with the Department? They will not sell these transports unless under all the circumstances and conditions it is deemed a desirable thing to do. If they want to keep them as an insurance, to use the illustration of the Senator, against combinations, they will keep them; but to say that under any circumstances they shall not sell them is another blow against the American merchant marine.

I think the action of the Department will be conservative in this matter. Anyway, they will not sell unless all the conditions demand that they shall sell; but to say that under no circumstances shall they sell it seems to me is going a little too far.

Mr. PROCTOR. The two amendments go together. The second one strikes out the provision prohibiting the Government from contracting with private lines. I can assure the Senator from New Hampshire and the Senator from Maine that if the first amendment is agreed to, the second one will be. The first one will not be agreed to and the second one omitted. They should go together.

Mr. HALE. I agree with the Senator that the second amendment, striking out a provision which is, it seems to me, almost monstrous, is the most important one. If we can do no better, it is much wiser to have that amendment agreed to, leaving in the amendment which the Senator has reported on a previous page of the bill, than to do nothing; but I should be very glad to have both provisions stricken out.

Mr. PROCTOR. I have, Mr. President, run over the testimony given by officers of the Department before the House committee, in which some very strong points were made. It was said that in many instances a large saving has been made by using the Government transports over what would have been the cost if the bids of private companies had been accepted. It seems to me wise to retain for the present that provision in regard to the sale of transports. Congress meets frequently, and if the Department comes to the conclusion that it is safe to sell these vessels there is no doubt that Congress would readily act in accordance with their recommendations.

The Senator from California [Mr. PERKINS] is quite familiar with the transport service and he may have some views about it. I should be glad at the close of the discussion to hear from him.

Mr. HALE. If the matter goes to conference with both amendments agreed to, I hope the conferees on the part of the Senate will not in any way be tied up or excluded from fair conference, that they will take monition from this discussion, and will insist on the amendment on page 30, which is, of course, the principal important amendment.

Mr. PROCTOR. I can assure the Senator that the committee was unanimous upon that amendment, and it will be adhered to.

Mr. PERKINS. Mr. President, I have been unavoidably detained from the Senate during this discussion and therefore have been deprived of the privilege of hearing the reasons advocated by the members of the Committee on Military Affairs why this amendment should prevail.

Mr. GALLINGER. I would suggest to the Senator that as I have the floor perhaps he would better defer his remarks for a few moments.

Mr. PERKINS. I beg pardon. I was not aware the Senator from New Hampshire had the floor. I am always glad to yield

to my friend from New Hampshire, who is now chairman of the great commission on shipping that is to revive the American merchant marine. I want to say "amen" to whatever he says, for they are my sentiments pretty generally. [Laughter.]

Mr. GALLINGER. Now, Mr. President, I think I will conclude what I have to say, and then the Senator from California will have his opportunity. I have been good-naturedly yielding to two or three Senators, and very glad to do so, and would be glad to yield to the Senator from California were it not that I may have to leave the Chamber.

I am still of the opinion that it is not good administration to have on hand eight old transports, which the Senator from Vermont [Mr. PROCTOR] says have deteriorated to the bottom, kept as old junk, or that we should put a provision in this bill that the Secretary of War can not dispose of them, no matter what offer may be received, unless he comes to Congress and gets a bill passed giving him that power. I am surprised that the Senator from Vermont takes that view. These transports, I apprehend, are in very bad shape, and unless the Government repairs them at an enormous cost, they will probably scarcely float again. As a matter of fact, they are not needed in the transport service.

The Senator from Vermont intimates that we may have trouble in the Far East. We are not going to have any trouble whatever in the Far East—other nations may have—and so the remaining eight transports, which seem to be in commission, are beyond question sufficient for our present need.

The Senator from Vermont says that he has run over the testimony before the House committee and he finds that money is saved in some instances by these transports. Mr. President, as I have suggested before, in estimating the value of the transport service they do not include the cost of depreciation; they do not include insurance; they do not include taxes; they do not include any of the items that go to make up the cost of sailing ships. Leaving out those items, they have figured, in some instances, an economy to the Government.

When the Merchant Marine Commission was at Seattle, the secretary of the Seattle Chamber of Commerce, Mr. James B. Meikle, who is very well versed in all marine matters, gave testimony before the Commission. He said:

I have a statement that was made last winter which shows the cost of operating the *Dia*—

That is one of the transports—

from the time she was purchased by the Government, March 1, 1901, up to September 6, 1903. It shows the total cost to have been \$474,156.06. The cost of carrying the same amount of forage and miscellaneous freight and passengers carried by the *Dia* under the contract existing with the Boston Steamship Company would have been \$349,401.22, a difference in favor of commercial lines of \$124,756.84.

And that is only one steamship. It was shown there, furthermore, Mr. President, that the commercial liners made the voyage to the Philippines and back in almost one-half of the time that the Government transports took to make it. On the whole, the Merchant Marine Commission, acting wisely or otherwise, were so fully persuaded that the Government ought to go out of this transport business that they made that recommendation.

However, this is not the bill, nor is this the place to undertake to accomplish that result; but this is the place and this is the bill in which we might at least give the Secretary of War the discretion he has heretofore had—I think until the last army appropriation bill was passed—of selling these transports.

Mr. PROCTOR. The prohibition has been in two previous bills.

Mr. GALLINGER. It has been in two previous bills. Then up until two years ago it was in the discretion of the Secretary of War, when he had an old hulk, an old foreign ship, which had been used to transport supplies and soldiers to the Philippines, and that had deteriorated to the bottom, as the Senator from Vermont expresses it, to sell it if he found a purchaser.

Mr. LODGE. May I ask the Senator from New Hampshire a question?

Mr. GALLINGER. Certainly.

Mr. LODGE. The provision giving him the authority to sell has never been repealed?

Mr. GALLINGER. Not unless this provision in the army bill does it.

Mr. LODGE. It is now the existing law?

Mr. GALLINGER. Yes; by the provision in the last army appropriation bill.

Mr. PROCTOR. The prohibition is now the law.

Mr. LODGE. The prohibition?

Mr. PROCTOR. Certainly; because it was put in the bill of last year and the bill of the year before. It is the same one that is in this bill.

Mr. GALLINGER. I would say to the Senator from Massachusetts that the Secretary of War is prohibited from selling

any transport under that prohibition in the army bill. But, as a matter of good administration, I can not see why this prohibition should be placed upon the Secretary. If a private citizen owned an old vessel that was deteriorated to the bottom, or half way to the bottom, and had not any work for her to do; if she was laid up, if she was out of commission, and some other citizen came along and offered to buy her, I apprehend the owner would take a pretty small sum of money and get rid of her; and I think the Secretary of War ought to have this discretion vested in him as it was vested in him until two years ago, when the army bill took it away from him.

I shall not myself vote for this amendment, Mr. President, although its adoption will do no particular harm, and I want again to congratulate the Senator from Vermont and the committee that they took out of the bill a provision so hostile to the merchant-marine interests of the United States that it startled me when I read it, and I think it would startle the American people if a provision of that kind ever found its way into our statutes.

Mr. PERKINS. Mr. President, I merely want to say a word in response to my friend the Senator from New Hampshire [Mr. GALLINGER]. I am in accord with his views as expressed. I believe the second amendment proposed by the committee should prevail. To prohibit the Secretary of War from paying to steamship companies, in case of emergency, any part of the money appropriated for the transportation of passengers or freight is very unwise and impolitic.

In saying that the transports are not fit for service, that they are deteriorating, that they are not sea-going vessels, I think our friends are not correctly informed. My information from the superintendent of the transport service in San Francisco is that every one of the ships belonging to the United States transport service is now lying at anchor in Benicia, in California, near the junction of the San Joaquin and Sacramento rivers, and every one of them can be put in service on twenty-four hours' notice.

I think it is a wise provision, too, that the Secretary of War should not sell these vessels at a sacrifice. I do not assume that he would do so if given the discretion, and yet none is better aware of it than the senior Senator from Maine that we bought during our war with Spain vessels at a very high price, paying in many instances a much larger sum than they were worth. It was necessary for us to have them; and many of them were afterwards sold for a mere pittance. I want no better testimony as to the wisdom of the Committee on Military Affairs in placing this amendment in the bill than that furnished in an extract from the report of the Quartermaster-General. He says:

During the fiscal year there were sold the transports *Egbert* and *Rosecrans* for \$50,000 each, the *Sedgwick* for \$52,000, and the steam yacht *Viking* for \$14,377.

The *Rosecrans*, I may say, was sold to the Government for use as a dredger, and she was sent to the Columbia River. That is perhaps the reason why we received so small a sum for her. Her value was very much greater, and I know that private steamship companies stood ready to pay twice that sum for her. This report goes on to say—

Mr. ALGER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Michigan?

Mr. PERKINS. Certainly.

Mr. ALGER. The Senator from California has made a statement concerning the purchase of transports during the Spanish-American war, and says that much more was paid for them than they were worth. I should like a bill of particulars. No ships were purchased during that time, except perhaps a few small ones, where we did not take the advice of the best shipbuilders in the country; and one man from whom we purchased \$4,000,000 worth of ships came and offered the Secretary of War a large bonus if he would cancel the contract.

I felt as though the business end of the transaction was being assailed by the Senator from California.

Mr. PERKINS. It was furthest from my mind to reflect upon the efficiency of the Secretary of War or the Secretary of the Navy during our unpleasantness with Spain. But I reiterate that shipowners were not going to sacrifice their vessels to the Government when they had other trade for them, and if the Secretary of War and the Secretary of the Navy had had a few months' time in which to purchase them I have no doubt they could have done so to better advantage. Nevertheless the highest praise is due to the Secretary of War and the Secretary of the Navy for the efficient manner in which they purchased ships and manned them and made them ready for service, and I disclaim the slightest intention, even by implication, to reflect upon what was accomplished in so short a time by the head of each of those two Departments.

Yet the fact remains that many of the smaller vessels were sold for from 25 to 50 per cent less than they were purchased for. At least that was the report that came before the committee.

I want to read what the Quartermaster-General says in his report:

The experience of the Department in its efforts to sell such of the transports as it was not actually necessary to keep in active service at all times has demonstrated that it is impossible to obtain prices commensurate with the real value of the vessels, and, therefore, it has been determined to lay up the spare ships—two or three on the Atlantic coast and the others in the harbor of San Francisco. Ships thus laid up are kept in such condition that the Department stands ready to put them into active service on short notice should an emergency arise requiring their use.

He further says:

On June 30, 1903—

Only a little over a year ago—

On June 30, 1903, the following ocean-going owned transports were in active service: *Burnside*, *Dix*, *Ingalls*, *Kilpatrick*, *Liscum*, *Logan*, *Seward*, *Sheridan*, *Sherman*, *Sumner*, *Thomas*, and *Wright*. The transports *Buford*, *Cook*, *McClellan*, *Meade*, and *Warren* are out of commission but ready for service on short notice in case of need.

To maintain the trans-Pacific transports in a thoroughly seagoing condition, upon the arrival at San Francisco of each ship, after making the trip to the Philippines and return, a board, consisting of the general superintendent, the marine superintendent, the superintending engineer, the quartermaster, master, and chief engineer of the transport, makes a thorough and careful inspection of the vessel to ascertain the repairs required, and the work of making the repairs deemed necessary by this board is let to the lowest bidder after competition.

He speaks highly of the transport service under direction of the Secretary of War and the very able superintendent in San Francisco, who has charge of vessels in the Government transport service in San Francisco, on Puget Sound, and in the Columbia River.

I, therefore, think that no possible harm can be done by the adoption of the amendment proposed by the Committee on Military Affairs. I believe that the Secretary of War, if he desires to sell these ships, should invite proposals for them and then submit them to Congress. We are in session six months out of the year, and I do not believe the public or the Government service will suffer by a few months' delay in selling these transports, if it is decided to do so. The whole secret of this, in one sense of the word, is that steamship companies like those I have been associated with on the Pacific coast are very desirous of doing this business for the Government. But the Government should not give this business to a private steamship company, when it has the ships to do the business and to do it more economically and more efficiently than private steamship companies could perform the service. I, therefore, hope that both of the amendments will be adopted by the Senate.

Mr. ALLISON. Mr. President, I think the Committee on Military Affairs has acted wisely in dealing with this question of transportation. I should have regretted exceedingly if they had brought in a report here agreeing to the matter embraced in the second amendment. That I regard as bordering, very tenderly and kindly, upon an absurdity—that the Government of the United States should absolutely prohibit not only the employment of privately owned American vessels, but the employment of any such privately owned vessel in the transportation of whatever we may have to transport to or from the Philippines. I think the first amendment, which has been somewhat criticised, is also a wise one. It is an amendment in accord with existing law, as I understand, and with what has been the law now for two or three years. As I remember, there was some discussion here two or three years ago on this question, when it was debated at some length; and I think the conclusion from that discussion was that it was wise for the Secretary of War to submit to Congress the question of the propriety or the feasibility of disposing of these transports. They seem to have cost us some \$12,000,000. That is a pretty large sum. I suppose they would bring now only a fraction of that sum. But that is an important matter, and I think the head of the Department ought to submit it to Congress before taking final action.

I am led to think that this is a wise thing to do in view of the fact that we are now entering upon a great project—the construction of the Panama Canal—and I understand that the Government of the United States now owns some eight or nine vessels, perhaps not so many. They were acquired by recent purchase from the Panama Canal Company. This law, as it now stands, would preclude any Department of the Government from disposing of those ships, and I think it ought to preclude them. I think the question of dealing with the Government vessels we now have is a matter for the consideration of Congress in the future. Let the status quo remain until we have a full discussion of this whole subject.

I for one am glad that the Merchant Marine Commission

has taken pertinent testimony upon the subject. But none of us have had an opportunity of investigating that question, by and large, as I presume we will have an opportunity to investigate it in all its relations, in the perhaps—

Mr. GALLINGER. Near future.

Mr. ALLISON. In the near future, the Senator from New Hampshire says, but I fear it will not be so near as some would wish. But at any rate, I think these two amendments from the Committee on Military Affairs ought to be adopted by the Senate, and they ought to be adhered to by the Senate. They are both important amendments, as I regard them, one limiting the discretion of the Secretary of War and the other removing an absurdity.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the Committee on Military Affairs.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment is on page 30, beginning in line 11.

Mr. PROCTOR. Do I understand the amendment on page 30 is agreed to?

The PRESIDENT pro tempore. Not yet. The amendment is now before the Senate. The question is on agreeing to it.

The amendment was agreed to.

Mr. PROCTOR. As the senior Senator from Missouri [Mr. COCKRELL] and the senior Senator from Maine [Mr. HALE] are in their seats, I ask that the amendment on page 10 be now considered, as I think the Senator from Missouri has a modification of it which he wishes to offer.

Mr. HALE. What page?

Mr. PROCTOR. Page 10.

The PRESIDENT pro tempore. Page 10.

Mr. PROCTOR. Lines 5 to 11.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 10, line 5, after the word "Provided," it is proposed to strike out:

That when a vacancy shall next occur in the office of Assistant Chief of the Record and Pension Office such vacancy shall not be filled, and said office shall then cease and determine.

And to insert in lieu thereof the following:

That hereafter vacancies that shall occur in the office of Assistant Chief of the Record and Pension Office shall be filled by appointments from captains of the line of the Army.

Mr. COCKRELL. I desire to add to that what I send to the desk.

The PRESIDENT pro tempore. The Senator from Missouri offers an amendment to the amendment.

The SECRETARY. At the end of the matter proposed to be inserted it is proposed to add:

And officers holding permanent appointments in the grades of major and lieutenant-colonel in the Military Secretary's Department shall be entitled to promotion in the order of their standing in their respective grades to any vacancy that may occur in the grade next above them in said Department.

Mr. HALE. Mr. President, the trouble about that is that it is evidently an amendment which comes from the corps, and it may have very wide-reaching effect and nobody knows anything about it. The committee has not scrutinized it, and nobody can tell how far it would go; and, as has been suggested by a Senator who sits near me, there is no recommendation on the part of any authority that has jurisdiction in the matter.

One trouble about the army legislation has been that a great deal of it has passed and Senators have known really very little of what was going on. I never knew, until I saw the practical operations of what is called the General Staff bill, that it practically makes the Secretary of War a figurehead, and transfers the power and the administration to the General Staff of the Army. I did not know that was contemplated, and I do not think Senators knew generally it was contemplated. To-day the head of the Army is a very competent and a very distinguished public servant, who is amply capable of performing the administrative duties of the War Department, as was the last Secretary, who was a very accomplished man; and yet to-day the power of the Department, the administration in the Department, has passed from him to other officers in the Department.

I notice to-day in the morning papers that a report came of military operations in the Philippine Islands. It was not directed to the officer's superior in the Department; it was not reported to the Secretary of War, but was sent to a subordinate officer in the Department, because the power has passed.

I had a little experience of that kind. In the last session of Congress an appropriation of \$500,000 was made for the erection of libraries and gymnasiums and small structures at army posts, for the proper entertainment, perhaps diversion, of the

men. Everybody supposed it would be distributed, as such matters are, being a pure matter of administration, and not of war. I, in my innocence, went up to the Department to see the Secretary, to see if I could get some of that money for posts in my State. I was informed at the Secretary's office that the Secretary had nothing to do with it; that the General Staff had taken possession of it.

That was not a matter of tactics or of war or of military. It was pure civilian administration. I was informed that I could have a hearing before the General Staff on the question whether I could get some of that money. I said: "I will talk with the Secretary of War upon this matter, but I will not cool my heels waiting for the General Board to decide whether some of this money that Congress has appropriated shall be distributed to my State," and I withdrew.

A few days after I got a letter from a Sunday school association in Portland, asking that permission be given to them in an excursion to visit one of the forts. I wrote General Crozier, who had charge of the Ordnance Department, and asked for permission. The reply that I received was that he had nothing to do with it; that the General Staff had taken charge of Sunday-school excursions, and that nobody had anything to do with it except the General Staff.

The Secretary of War to-day—I speak in his praise, and I have the greatest confidence in him—is absolutely ejected from the administration of the War Department on almost all matters of administration, and it has been usurped by the General Staff. When that provision was made, and when Congress agreed to that legislation, the Senate knew nothing whatever about what was coming. I knew nothing about it. So I am skeptical upon anything, even an amendment offered by the Senator from Missouri, whom we all have learned to regard and respect as a safe legislator. Even when coming from him I am apprehensive of what will be the effect of an amendment that allows the officers in the Military Secretary's Office to be promoted into other corps.

Mr. COCKRELL. That is just exactly what the amendment prevents.

Mr. HALE. I say—

Mr. COCKRELL. That is precisely the object of it—

Mr. HALE. That may be the case.

Mr. COCKRELL. To confine the promotions to that office.

Mr. HALE. If it is, it is a good thing.

Mr. COCKRELL. I thought so myself.

Mr. HALE. I do not know how many it affects. The Senator from Vermont says to me it only affects one officer. But I am making my protest against legislating on these subjects when we do not know and can not contemplate the results. I do not know but that this is all right. Perhaps the Senator can explain it.

Mr. TELLER. I want to ask the Senator from Maine a question.

Mr. HALE. Certainly.

Mr. TELLER. I wish the Senator would state to us who are not specially learned in this matter what officers compose the General Staff. How many of them are there and who they are? I do not mean who they are personally.

Mr. HALE. I do not think there is any objection to the officers of the General Staff personally. They are able. General Chaffee is at the head, but the old arrangement by which the power was lodged in the civilian branch of the Department—in the Secretary of War, and in his Assistant when the Secretary was absent—has now been changed so that the General Staff, headed by the senior major-general in the Army is doing the business of the War Department to-day.

Mr. TELLER. What does the Secretary have to do?

Mr. HALE. Well, the Secretary is busy. He goes to Panama and he is going to the Philippines. He is not a man to be content with a life of languorous ease. He is an efficient and an able and competent man. He is diverted to other duties outside. But if we have any business to do with the War Department to-day, instead of going to the Secretary, as we used to do, who is the administrator, we go to the General Board, and it is the result of what applies in both Army and Navy—the desire of the professional men in the Army and Navy to reduce and at last to eliminate the civilian power. I discover the same thing in the Navy—a disposition there and a determination to get a General Staff in the Navy, so as to make the Secretary of the Navy a dummy.

I do not propose, Mr. President, so long as I am here and have the power of protest, to consent to that, and it will never be done in the Navy Department until it is thoroughly understood, for the safety of these Departments and their working in proper relation to the Government is in the great civilian administrative duties that are performed there by the civilian part of the

Department. When you abolish that, when you override that, when you transfer it to the purely military part, you have ceased to have an administration of these great Departments that is in any way in sympathy with the people or with Congress and which only looks to its own aggrandizement. That is why I am calling attention to this case.

Mr. BEVERIDGE. The Senator from Maine does not contend that it is unwise to have a General Board, but merely that its powers are too wide?

Mr. HALE. Yes; I go further than that. I do not think there was any need of a General Staff, and you can not have a General Staff but that General Staff will arrogate the powers that perhaps in a great war, in an empire like Germany or Russia, may be needed to conduct military operations. But in peace there is no need of a General Staff.

Mr. BEVERIDGE. I did not understand that the Senator from Maine contended that it was unwise to have a General Staff at all, but merely that, having one, its powers had been made too great.

Mr. HALE. It assumes these powers. That is *ex necessitate rei*. It comes from the creation of the General Staff that it will arrogate power and will run the Department; and it is not in the contemplation of our general framework of government that the civilian administration of either of these Departments should be abolished.

Mr. PROCTOR. The Senator, of course, is aware that the General Staff has no power except what is given to it by the Secretary of War.

Mr. HALE. Now, that is an answer I have heard constantly when it is urged we should have a General Staff in the Navy. But the Secretary of War is constantly changing. He comes and goes. He comes in a new man, and he finds the General Staff, which is permanent, and lodged and buttressed by its decisions and its management, and he can do nothing. He will not make a revolt. The Senator from Vermont says he is not standing up for the General Staff. I hope he is not, because in time Congress will find out what some of us have already found out.

Mr. PROCTOR. I think it is a question of two sides; but it was established by the honest efforts of Secretary Root.

Mr. HALE. Of a retiring Secretary.

Mr. PROCTOR. I think there are very good features about it, and possibly some objections. I consider it as being now tentative. It is on trial.

Mr. HALE. I hope it will be; but it was established on the recommendation of a very able man, who was a retiring Secretary; he was on the point of going out. I am very glad that I have an opportunity to call the attention of Congress to this matter, because it will be constantly coming up. Senators will find out what I have found out. It will come up in the attempt to ingraft this provision exterminating the civilian power and making it military in the Navy Department. I wish to warn Senators that that question is likely to come up, and when it does come up it will be pretty thoroughly debated.

Mr. COCKRELL. Mr. President, I confess frankly that I am astounded at the statements which have been made by the distinguished Senator from Maine, for whose judgment we all have the greatest respect. I am sorry that he has not investigated the conditions existing at the War Department under the present law more carefully than has been done. The Secretary of War to-day has more power, as is recognized and admitted by the Army, than he has ever had at any time in the history of this country. There has always been a conflict between the commanding officers of the Army and the Secretary of War. The legislation creating this staff, in fact, gave the Secretary of War more power than he had before.

I wish to say that Secretary Root was not in the hands of this staff and controlled by them, nor is the present Secretary—Secretary Taft—in the hands of the staff. I do not know whether the staff arrangement is going to prove to be the most efficient and acceptable or not, but I know it was not intended when the staff was created to give it jurisdiction over the civil branch of the War Department. We have had that question before us time and again. Some of the liveliest correspondence that is on record is found between the Secretary of War and the Commanding General of the Army. We have always asserted that the Secretary of War was the head and had absolute power and the Commanding General had to yield to him. When General Schofield came in as Lieutenant-General he frankly admitted that power and got along pleasantly.

I do not know that there has been any conflict between the staff and the Secretary of War, but I know that the Secretary of War will never be overruled by the staff unless they convince him that what they propose is better for the public service and for the Army than what he has himself proposed.

Mr. HALE. That tells the whole story. The first considera-

tion is not with the Secretary, but with the General Staff, and in order to exercise any power he has got to overrule it.

Mr. COCKRELL. Not at all.

Mr. HALE. Has not the Senator met with the same experience I have? He says there is no disposition to arrogate control of the administrative, the civilian part of the Department; but has he never found out, as I have found out, that things which are purely administrative, to be considered by the Secretary, have been taken in charge by the General Board, and the only power the Secretary has is the nominal power of overruling? Of course he can overrule nominally, but he is not likely to do that. He ought to consider these things first. In the old way the part that is purely administrative ought to come to the Secretary, and he ought not to be hampered by the action of a board that he has to overrule in order to establish his own power. The Senator and I are not very far apart.

Mr. COCKRELL. I would never consent to anything that would take the civil power of the Secretary of War out of his hands and make it purely military.

I do not believe in that, and I never have done so. I have always sided with the Secretary of War in his contests with the Commanding General. I think some of the commanding generals have not behaved as they ought to have done. I say that very frankly. All my sympathies have been with the Secretary of War.

But it was thought, and there were, I think, strong arguments presented for it, that this staff, composed of officers from all the different branches of the service, would be better able to regulate and determine, after discussion among themselves, what was the best policy to be pursued in the different branches, and in case of a war they would be able to keep one branch of the service from monopolizing the whole transportation, for example, and having an abundance of one thing and a scarcity of another, as was the case in the Spanish war, and which probably could not have been avoided unless the Secretary of War had had his fingers upon each one of the different branches and had somebody besides their own officers to confer with in the requests or suggestions and propositions they made.

Mr. HALE. Does not the Senator think that a subordinate commander in the War Department reporting from the Philippines or wherever else he may be, instead of reporting to a subordinate in the War Department, to another officer of the general staff of the Military Secretary, ought to report to the Secretary of War?

Mr. LODGE. Under the old system he reported to the commanding general.

Mr. HALE. Oh, no.

Mr. COCKRELL. From the time whereof the memory of man runs not to the contrary, you never could find a time when there was a different rule. All the officers of the Army reported to the Adjutant-General while that office existed, and now since the Military Secretary has the duties of the Adjutant-General all reports are made to him. It is no discourtesy to the Secretary of War; it is no discourtesy to the commanding general of the staff, that a report is made to the Military Secretary of the War Department. When General Corbin was there all reports were made to the Adjutant-General, but that did not give the Adjutant-General jurisdiction to determine what should be done. Those reports went to the Secretary of War, if they belonged there. If it was something that could be attended to by the Quartermaster-General or the Commissary-General or the Surgeon-General's department the report was sent there. It is the same way now.

Mr. HALE. The Senator has long been on the Military Affairs Committee. I think he ought to know that the reports which were sent in to the Adjutant-General, to the heads of the different staffs, were only upon minor matters of detail, but that important reports upon military operations in both departments have been, and ought to be, reported directly to the head of the Department.

Mr. COCKRELL. If the Senator will take the Rebellion Records and read all the many reports that were made by the Union officers during the war he will find them, with scarcely an exception, addressed to the Adjutant-General at the War Department, or if a report was made to a corps commander or an Army commander it would be addressed to him.

Mr. PROCTOR. I ask the Senator from Missouri to allow me to add a clause to the amendment of the committee to come in before his amendment.

Mr. COCKRELL. I have no objection to it. Read it.

Mr. PROCTOR. I propose to add a clause to the pending committee amendment as follows:

And the officers now designated by the title of "Assistant Chief of the Record and Pension Office," and by the title of "Assistant Adjutant-General," shall hereafter be designated by the title of "Military Secretary."

That merely changes the nomenclature of the officers as they

appear on the appropriation bill. It would leave the Adjutant-General \$7,500 and all the rest would be included under the head of the office of the Military Secretary. All this takes place by operation of the present law as soon as three or four officers on the permanent list go out of service; but it is confusing to have a part of that bureau named "Office of Military Secretary," another part named "Office of Assistant Adjutant-General," and another part the "Record and Pension Division." There are three names for what is really the office of the Military Secretary.

While I am up, as the Senator from Colorado [Mr. TELLER] asked about the duties of the officers in that branch, I will state that there are twenty-nine of them. Twenty of them are on duty away from Washington at the different headquarters of divisions and departments. Seven of them only are on duty in the office of the Military Secretary. Before this change was made there were nine there and in the Adjutant-General's Office. There are two less, really.

Mr. HALE. I have no doubt the Military Secretary, whatever comment may be made upon his being a major-general in the fighting part of the Army, is an exceedingly competent business man. He makes people under him earn their money. When he was engaged in the civilian part of the work, in records and pensions, he redeemed that office from inefficiency and made it to a degree a perfect office. There is nothing to be said about his competency in managing business. But I have never known and I have never been informed that under the arrangement which continued for a century there was really any fault to be found with the operation of the old Adjutant-General's Department. That is a feature which has always been connected with our Army. It is connected with every military organization. It is connected in the States with the business administration of the military part of the government. I have never been able to learn why it was abolished and the duties turned over to a new officer, who is created a Military Secretary. Although the place is filled by an exceedingly able and competent and honest man—General Ainsworth—I have never been able to see why this new-fangled arrangement was incorporated into the new legislation. But I do not make any complaint as to the efficiency of General Ainsworth. He speaks for himself wherever you see him.

The PRESIDENT pro tempore. Did the Senator from Vermont, in behalf of the committee, modify the committee amendment?

Mr. PROCTOR. I modified it by adding the clause I sent to the desk. The Senator from Missouri accepts it.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Missouri to the amendment of the committee as modified.

Mr. PROCTOR. He accepts it, I understand.

Mr. COCKRELL. I accept that amendment, but mine is an amendment to the amendment of the committee.

Mr. SPOONER. I should like to hear the amendment as modified read.

The PRESIDENT pro tempore. The amendment as modified and as proposed to be amended by the Senator from Missouri will be read.

The SECRETARY. On page 10, line 5, after the word "Provided," strike out down to and including the word "determine," in line 8, and insert:

That hereafter vacancies that shall occur in the office of Assistant Chief of the Record and Pension Office shall be filled by appointments from captains of the line of the Army, and the officers now designated by the title of "Assistant Chief of the Record and Pension Office" and by the title of "Assistant Adjutant-General" shall hereafter be designated by the title of "Military Secretary," and officers holding permanent appointments in the grades of major and lieutenant-colonel in the Military Secretary's Department shall be entitled to promotion in the order of their standing in their respective grades to any vacancies that may occur in the grades next above them in said Department.

Mr. HALE. Mr. President, will the Senator from Vermont state why these appointments should be limited to captains of the line of the Army?

The PRESIDENT pro tempore. The Senator will suspend for one moment. The hour of 3 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. NELSON. I ask unanimous consent that the unfinished business be temporarily laid aside until the army appropriation bill is disposed of.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent that the unfinished business be temporarily laid aside, and that the Senate continue the consideration of the army appropriation bill. The Chair hears no objection.

Mr. HALE. Now, will the Senator from Vermont tell me why these vacancies should be limited to captains of the line of the Army? What reason is there why captains in the Commissary, Subsistence, or Quartermaster-General's Department, who are business men and versed in business, educated as business men in the Army, should not have an opportunity to be appointed in these places?

Mr. PROCTOR. Mr. President, as was stated yesterday, this provision applies at the bottom of the list. The appointment of major was allowed by law to be made from civil life. This is to change that. I will state that it meets the full approbation of the Secretary of War and the President.

Now, I will state the reason why it should be confined to the line of the Army. The captains of the staff have already received a promotion when appointed to the staff. If they are appointed as captains they are taken from the first lieutenants. They are jumped in almost all cases, sometimes over hundreds. There was an application of a captain as a staff officer in the Subsistence Department for appointment to this place. It was very favorably considered. He was a very excellent officer. But when he was appointed as commissary he had been jumped over a large number of lieutenants, and he would have been still further jumped over a great many captains if he had been appointed major. Fortunately in his staff place he has already been appointed a major in the Commissary Department.

Mr. HALE. This jumping process is basic in the Army. We have instances of it every day. It is not confined to the Staff Corps. There are a great many sudden vaultings of inferior officers over the heads of other officers in all parts of the Army. I do not see from the Senator's explanation why a captain in the Commissary, the Subsistence, or the Quartermaster's Department should stop when he has been made a captain and not be permitted to be in line for a promotion of this kind which makes him a major, because there are majors in the Staff Corps. Why is it confined to captains of the line, and why are all officers in the Staff Corps of corresponding rank shut off? Why not provide that these places may be filled by the appointment of captains in the Army?

Mr. PROCTOR. To use the Senator's phrase, this officer has vaulted over other officers once. We think it hardly fair that he should be allowed to vault twice. Let some one who has not vaulted at all have a chance.

Mr. BEVERIDGE. And not have a kangaroo process.

Mr. HALE. Vaulting is not confined to the Staff Corps of the Army by any means. The jumping and the friction and the heartburning that come from officers being passed over and junior officers placed above them are not in any degree confined to the Staff Corps of the Army. It runs all through the Army. While, of course, I do not know as much about this matter as the Senator from Vermont, I can not see why a man who is commissioned and is an actual captain in a business corps of the Army should not have as much opportunity for this promotion as the line officer.

Mr. PROCTOR. I think I have stated a very good reason. He has already been promoted over many of his fellows. This provision confines it just where it ought to be—to the officers who are in the direct line of promotion. The staff officer has his chance for promotion in his own corps, and he ought not to have two chances for promotion.

Mr. SPOONER. I should like to have some explanation from the Senator from Missouri as to the precise effect of his proposed amendment.

Mr. COCKRELL. Does the Senator ask what would be the effect of it?

Mr. SPOONER. What is the purpose of it?

Mr. COCKRELL. The purpose of it is to remove any possible doubt in regard to the matter, to confine the promotions in that office to the men in the office, and when a vacancy occurs that has to be filled to fill it by an appointment from the line of the Army from those having the rank of captain.

Mr. SPOONER. The law as it stands now, as I understand it, is as follows:

Except as otherwise provided herein, the laws now in force shall continue to govern the appointment, promotion, and detail of all officers of the consolidated department hereby created.

Now, what change does this make in that law?

Mr. COCKRELL. I do not really think that it makes any actual change in the proper interpretation of the law, but there is some question in regard to it, and that it might be permanently settled that promotions were to be made from that par-

ticular line and appointments made from the line of the Army, we thought it necessary. One reason why the line of the Army was designated as the place from which the appointment should come is the fact that the Military Secretary has now charge of all records of the War Department, all the old records of the Volunteer Army, all the records of the regular service, and all the records of organizations under the control of the War Department. That Office has to pass upon many questions, and it was thought it would be better to confine the appointment to an officer who had risen to the rank of captain and knew about army affairs, about the muster rolls, the pay rolls, and the rules and regulations that govern the Army. That is the reason why it was confined to captains.

Mr. SPOONER. Is it not a fact that this will be operative only as to two officers?

Mr. COCKRELL. I do not know at all whom it will affect. I do not know that, for I do not know the personnel of the Office. All I know are the Chief, the Secretary, and the Assistant Secretary. Those are the only officers whom I know connected with it.

Mr. SPOONER. I do not see how it changes the existing law.

Mr. COCKRELL. But I think it is in the interest of good service there.

Mr. ALLISON. I should like to have read the amendment as it is proposed to be modified.

The PRESIDING OFFICER (Mr. KEAN in the chair). What is the request of the Senator from Iowa?

Mr. ALLISON. I wish to have the amendment of the Senator from Vermont, as modified or added to by the Senator from Missouri, read.

The PRESIDING OFFICER. The amendment and the amendment to the amendment will be read.

Mr. ALLISON. I want to hear the entire amendment read.

The SECRETARY. On page 10, line 5, strike out all after the word "Provided," down to and including the word "determine," in line 8, and insert:

That hereafter vacancies that shall occur in the office of Assistant Chief of the Record and Pension Office shall be filled by appointments from captains of the line of the Army, and the officers now designated by the title of Assistant Chief of the Record and Pension Office and by the title of Assistant Adjutant-General shall hereafter be designated by the title of Military Secretary, and officers holding permanent appointments in the grades of major and lieutenant-colonel in the Military Secretary's Department shall be entitled to promotion in the order of their standing in their respective grades to any vacancies that may occur in the grades next above them in said Department.

Mr. ALLISON. That seems to be on its face a very material modification. Is not the assistant chief of the Record and Pension Office a distinct office from the office of Military Secretary? Is not that a place subordinate to the office of Military Secretary?

Mr. PROCTOR. It is. There are a lieutenant-colonel and a major as assistant chiefs of the Record and Pension Bureau, as it was called, now the Military Secretary's Office. The amendment proposed by the Senator from Missouri only affects those two officers. There is a vacancy in one of the offices now.

Mr. ALLISON. I wish to ask the Senator from Vermont what is the effect of his amendment to the amendment of the committee?—because that is quite a lengthy addition.

Mr. PROCTOR. My amendment of three or four lines, following the word "Army," in line 11, merely changes the nomenclature of those officers, and instead of having officers of three different names under the Military Secretary it gives them all one name, that of Military Secretary. As it is now, there are the Assistant Military Secretary, Military Secretary, and also Chief of the Record and Pension Division. There are three names of officers who are serving under one head.

Mr. ALLISON. Then the effect of this amendment, I understand, is to abolish the office of Assistant Adjutant-General?

Mr. PROCTOR. It is. The office is practically abolished by consolidation, being placed under the Military Secretary, but the name has been retained without any reason. It has been the cause of a good deal of confusion. It has led to some confusion in considering the appropriation bills. In a few years, when the assistant adjutants-general retire, that part will expire, and it seems to me desirable to settle it all at once. It is nothing that I care anything about, except to prevent confusion.

Mr. ALLISON. I understand that. Now, I will state what occurs to me and the reason why I ask the question. We have Assistant Adjutants-General in this office. That is the designation by which they are known with the rest of the Army. You provided in lieu of these for assistant military secretaries. Do you say that the same persons who now hold the office of assistant adjutants-general shall become the assistant military secretaries?

Mr. BEVERIDGE. Is it merely a change of name?

Mr. ALLISON. Is it merely a change of name?

Mr. PROCTOR. They are assistants already. It is merely a change of name.

Mr. BEVERIDGE. It is then merely legalizing something that has been done without a basic law.

Mr. ALLISON. Very well; if the Senator is satisfied with it, I do not know that I have any reason to criticize it. I should be a little afraid, if I were one of the assistant adjutants-general, that I might be jumped by the proposed legislation.

Mr. HALE. I should have great fear that as a new office was created the name of some one else might be sent in for that office. The Senator will perceive that the House has adopted an entirely different programme, and that is to cut off all this and provide that when a vacancy occurs it shall not be filled, upon the theory that the service can manage to work along in times of comparative peace without new appointments. The Senate committee has adopted just the reverse of that, and perpetuates these offices. I ask the Senator from Vermont, who is full of information on this bill, why was that contrary policy adopted in this case?

Mr. PROCTOR. Mr. President, I think the purpose of another body in their provision was to cut off the appointment of a civilian to this important office, and they did not substitute anything in the place of it. I inquired into the matter very carefully of the Secretary of War and of the Military Secretary, and was informed that the officer was needed. The Senator can see from the list I read that that office, including this officer, is now running with two less officers than the Adjutant-General had before the consolidation.

Mr. HALE. Does the Senator think, then, that the object of the other House was to cut out civilian appointments, and in doing that they cut out everybody?

Mr. PROCTOR. They have cut out only one officer.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the amendment of the Senator from Missouri [Mr. COCKRELL] to the amendment of the committee as modified.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment as amended.

The amendment as amended was agreed to.

Mr. LODGE. Mr. President, I think the hour has passed at which we were to vote on the amendment I proposed on yesterday, but I should like to ask unanimous consent that the telegram which I send to the desk may be read, and then I shall move an amendment to the amendment proposed by the Senator from Vermont [Mr. PROCTOR].

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

COLUMBUS, OHIO, January 26, 1905.
HON. HENRY CABOT LODGE,
Washington, D. C.:

Ohio deeply interested in army appropriation bill. If it is desired to humiliate General Miles, in which we have no sympathy here, it should not include splendid army officers on retired list who are rendering splendid services to National Guard in different States. We are specially favored in Ohio and deeply interested.

MYRON T. HERRICK.

Mr. LODGE. Mr. President, I suppose that under the agreement there can be no debate. I move to amend the amendment proposed by the Senator from Vermont [Mr. PROCTOR] by striking out the word "hereafter" in line 1 of the amendment.

Mr. COCKRELL. On what page of the bill?

Mr. LODGE. It is not in the bill. I refer to the printed amendment offered by the Senator from Vermont, which comes in on page 13 of the bill, it being offered as a substitute for the proviso there found. I propose to amend the amendment in line 1, after the word "That," by striking out the word "hereafter;" and in line 2, after the word "when," to insert "hereafter."

If the amendment should be agreed to by the Senate, that will prevent the provision being retroactive, which is the most unjust part of it. I am against the whole proposition of the other House, and I shall move to strike it out at the proper time, but I think if we are to agree to legislation like this we certainly ought not to make it retroactive.

Mr. PATTERSON. Where does the Senator from Massachusetts propose to insert the word "hereafter?"

Mr. LODGE. After the word "when;" so as to read "when hereafter assigned," or "when assigned hereafter," if the Senator prefers that.

Mr. CARMACK. In the first line?

Mr. LODGE. No; I propose to strike out the word "here-

after" in the first line, and to insert it in the second line, after the word "when;" so as to read:

That retired officers of the Army above the grade of major shall, when hereafter assigned to active duty, etc.

So that the provision will only apply to the future.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. LODGE] to the amendment of the Senator from Vermont [Mr. PROCTOR].

Mr. PROCTOR. Mr. President, I do not propose to discuss the matter, but the Senator from Massachusetts [Mr. LODGE] read a telegram, and I wish to read an answer to a telegram which I sent to the Military Secretary, asking for the number of retired officers by grades who have applications now pending for assignment to active duty under this provision. The number of general officers already assigned is 10—1 lieutenant-general and 9 brigadiers; the number who have applications pending—major-generals, 2; brigadier-generals, 27; colonels, 6; lieutenant-colonels, 17; captains, 26; first lieutenants, 4, and second lieutenants, 1.

Mr. BACON. I should like to ask the Senator in what way the number of applicants for these details affects to any disadvantage the Government? They are retired officers, as I understand; they are not in active service; in what way, then, does the number, whether it be great or small, affect the Government injuriously?

Mr. BERRY. They get the active pay when so assigned.

Mr. PROCTOR. It increases the cost to the Government.

Mr. BACON. The Senator means that it increases their pay?

Mr. PROCTOR. It increases their pay.

Mr. BACON. They get full pay when detailed?

Mr. PROCTOR. The details already made increase the expenditure about \$50,000 a year.

Mr. BACON. That is the point on which I wanted information.

Mr. LODGE. Under my amendment this would all be excluded. That amendment simply prevents the provision being retroactive and covering those who have already taken detailed service under existing law.

The PRESIDENT pro tempore. The original amendment submitted by the Senator from Vermont will be stated.

The SECRETARY. On page 13, line 7, under the heading "Retired Officers," it is proposed to strike out the following proviso:

Provided, That hereafter no retired officer of the Army above the grade of major shall, when assigned to active duty, receive from the United States any pay or allowances additional to his pay as a retired officer so as to make his total pay and allowances exceed the pay and allowances of a major on the active list.

And in lieu thereof to insert:

*Provided, That hereafter retired officers of the Army above the grade of major shall, when assigned to active duty in connection with the organized militia in the several States and Territories upon the request of the governor thereof, receive their full retired pay, and also commutation of quarters unless Government quarters are available, and shall receive no further pay or allowances: *Provided further, That a lieutenant-colonel so assigned shall receive the full pay and allowances of a major on the active list.**

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. LODGE] proposes an amendment to the amendment which has just been read, which will be stated.

The SECRETARY. In line 1 of the amendment, after the word "That," it is proposed to strike out the word "hereafter;" and in line 2, after the word "when," to insert "hereafter;" so as to read.

That retired officers of the Army above the grade of major shall, when hereafter assigned to active duty, etc.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Massachusetts [Mr. LODGE] to the amendment of the Senator from Vermont [Mr. PROCTOR].

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. Does that complete the committee amendments?

Mr. LODGE. No, Mr. President. I reserved the right to move to strike out the proviso. I am against the whole legislation. I think the motion to strike out and not insert is the last motion in order. We have now perfected the clause, and I think I certainly have the right to move to strike it out.

The PRESIDENT pro tempore. The Chair thinks not while the Senate is acting as in Committee of the Whole.

Mr. LODGE. Then I reserve the right to make the motion in the Senate.

The PRESIDENT pro tempore. In the Senate the Chair thinks it would be in order. At any rate it would be in order to demand a separate vote on the amendment.

Mr. COCKRELL. Mr. President—

Mr. LODGE. When I first rose as to this provision I said I did so desiring at the proper time to make a motion to strike

out. Now, when will I have the right to make the motion to strike out?

The PRESIDENT pro tempore. After the bill has been reported to the Senate.

Mr. LODGE. Am I excluded from making a motion to strike out while the Senate is acting as in Committee of the Whole?

The PRESIDENT pro tempore. The amendment to which the Senator's amendment was offered having been agreed to as in Committee of the Whole, the Chair is of the opinion that in Committee of the Whole his amendment would not be in order.

Mr. LODGE. Then I understand the Chair to say that if the amendment is agreed to as in Committee of the Whole the motion to strike out in committee can not be made?

The PRESIDENT pro tempore. It can not be made in Committee of the Whole.

Mr. COCKRELL. Mr. President, in view of the fact alleged in the telegram of the governor of Ohio, which has just been read, that this provision was intended to humiliate General Miles, I want to say very emphatically that I do not believe a solitary member of the Committee on Military Affairs ever dreamed of making any effort to humiliate General Miles, and I do not believe when this amendment was proposed that there was any purpose or desire to humiliate General Miles.

Mr. CULLOM. Or anybody else.

Mr. COCKRELL. Or anyone else, so far as that is concerned. I should not myself become the willing instrument to cast a reflection upon any soldier with the record of General Miles, or upon any of the others affected by the provision. There was no such purpose or intention.

One of the reasons why the provision was inserted can readily be seen from the fact that nine brigadier-generals have already been detailed—have they not, I ask the Senator from Vermont?

Mr. PROCTOR. Yes.

Mr. COCKRELL. And twenty-two more—

Mr. PROCTOR. Twenty-seven more.

Mr. COCKRELL. And twenty-seven more are seeking detail. By such details those officers will get the full pay of brigadier-generals.

The Senate may remember in connection with that that a large number of these general officers were men who would have been retired with the rank of colonel, and some of them probably with the rank of lieutenant-colonel, but because of the friendly disposition of Congress the President was authorized to promote them to the rank of brigadier-general and retire them. When they were retired they went up one grade, and that gave them almost the full pay of their actual rank by getting three-fourths of the pay of the higher grade. The lieutenant-general draws a fixed salary.

Mr. BERRY. I should like to ask the Senator from Missouri, if he will permit me, what is the salary of a lieutenant-general on the retired list?

Mr. COCKRELL. Eight thousand two hundred and fifty dollars.

Mr. PROCTOR. Including commutation of quarters, which amounts to \$1,200, the amount received would be nearly \$10,000.

Mr. LODGE. The pay of the Lieutenant-General is \$13,000.

Mr. BERRY. Does the Senator from Massachusetts say that the Lieutenant-General gets \$13,000 a year while on the retired list?

Mr. LODGE. Oh, no; I mean when on active duty.

Mr. BERRY. Does that include commutation of quarters, longevity, etc.?

Mr. LODGE. I suppose it does.

Mr. COCKRELL. After the Senator from Arkansas [Mr. BERRY] had asked me the question, in order that I might ascertain exactly what these officers were receiving, I telegraphed to the Paymaster-General and have just received this reply:

WAR DEPARTMENT, January 26, 1905.

Hon. F. M. COCKRELL:

Lieutenant-General Miles receives as a retired officer \$8,250. Lieutenant-generals, major-generals, and brigadier-generals receive no longevity increase on active or retired list.

In other words, a lieutenant-general, a major-general, or a brigadier-general receives no longevity pay.

Mr. HALE. After they are retired?

Mr. COCKRELL. It makes no difference whether they are retired or not. I am reading exactly what the Paymaster-General says:

Lieutenant-generals, major-generals, and brigadier-generals receive no longevity increase on the active or retired list. They get a flat salary. A colonel and all officers below that grade get, while on the retired list, longevity increase which had accrued at the date of retirement, not to exceed 40 per cent in all. No increase after that date except for officers retired because of wounds received in battle; and this can not exceed 40 per cent.

F. S. DODGE, Paymaster-General.

Mr. BERRY. Now, one other question, if the Senator from Missouri will permit me?

Mr. COCKRELL. Certainly.

Mr. BERRY. If the motion which the Senator from Massachusetts [Mr. LODGE] intends to make in the Senate to strike out this provision should carry, and that should be agreed to by the other House, then the salary of General Miles, while on duty as an officer in charge of militia, would be increased one-fourth, or two thousand and odd dollars?

Mr. COCKRELL. His salary would then be \$11,000. All the brigadier-generals who are detailed and who will be detailed and the major-generals would get \$7,500 instead of \$5,625, and the brigadier-generals would get \$5,500 instead of \$4,125.

Mr. TELLER. Mr. President—

The PRESIDENT pro tempore. Will the Senator from Colorado, before he takes the floor, allow the Chair a moment?

Mr. TELLER. Certainly.

The PRESIDENT pro tempore. The Chair understood the Senator from Massachusetts [Mr. LODGE] to wish to move to strike out the entire proviso on page 13?

Mr. LODGE. That was my original motion.

The PRESIDENT pro tempore. That was the original motion. That would not be in order while the Senate is acting as in Committee of the Whole, but if the motion of the Senator was to strike out the whole paragraph, including the proviso, it would be in order now as in Committee of the Whole.

Mr. LODGE. Of course, Mr. President, I have no desire to strike out the whole paragraph, which is a provision for the pay of retired officers.

The PRESIDENT pro tempore. That is what the Chair understood.

Mr. LODGE. I was only aiming at the proviso.

The PRESIDENT pro tempore. The Chair so understood.

Mr. LODGE. I asked for the ruling of the Chair with the idea of making the motion to strike out, but the Senate having without division amended the amendment so as to prevent its being retroactive, I shall not now press the motion any further. I shall not move to strike out and I shall not reserve the point.

The PRESIDENT pro tempore. The Chair merely wished to understand, and finds that he did understand correctly the Senator's intention.

Mr. LODGE. The Chair understood me correctly.

Mr. TELLER. Mr. President, for a number of years it has been the policy of this Government to encourage the National Guard, or, in the common parlance of the country, the "militia." In order to do so and to give them proper instruction it has been the policy to assign for that purpose to the militia of the different States officers of the Army. It has also been the policy, in order to encourage this same military spirit among the young men of the country, to send, on application, to the colleges of the country military officers to give instruction.

There are forty-five States that are presumed to have militia or National Guard organizations. There are innumerable colleges all over the country that desire the privilege, and have had it whenever they could get it—a thing they are not always able to do—of having an army officer assigned for the purpose of training their young men.

For myself, Mr. President, I believe that has been a very wise policy. I have believed that you can not do very much toward increasing the efficiency of the militia of the country unless you have trained men to instruct it. I speak with some slight knowledge, having myself, as a young man, been a member of the military organization of the State in which I lived, and I know something about the rude way in which we were trained, although we were in what was called the "higher order" of the militia.

We ought to encourage the militia. We make an appropriation for the militia in this bill, I think, and have done so in every army appropriation bill. If there is not such an appropriation in the pending bill, it is the first time there has been such an omission. I will inquire if there is not in the pending bill an appropriation for the National Guard?

Mr. COCKRELL. That is a regular permanent appropriation by law. It is not put in the army appropriation bill.

Mr. TELLER. An appropriation is made every year?

Mr. COCKRELL. There is a certain amount that is distributed to each of the States every year.

Mr. TELLER. I know I have seen it in every appropriation bill at which I have looked.

Mr. PROCTOR. It is a permanent provision of law.

Mr. TELLER. Yes; a permanent appropriation.

Certainly it can not be the policy of this Government to take from the active list of the Army trained men who are to act as instructors. You can not afford to take for this work the cap-

tains, the colonels, and the other officers who are needed with their regiments; but you can afford to take the men who have reached an age at which they are perhaps not capable of performing the active duties of warfare, but are better fitted perhaps to act as instructors than they would have been twenty-five years previously. So we must look to the retired list both for military instruction for the State troops and for the military training of the young men in the colleges.

There will not be too great a number of officers ready to do that service. The law wisely provides that a retired officer shall not be so assigned without his consent. That is as it should be. An officer who has retired is himself the best judge of what he can do; and if he feels that his mental or his physical condition will not permit of his accepting active duty he ought to be allowed, and is allowed, to determine the matter.

Mr. President, instead of discouraging the assignment of retired Army officers for the training of the militia, which it seems to be the opinion of the chairman of the committee and some other members of the Senate we ought to do, instead of its being an affront or an injury to the public service that a large number of these officers are accepting these assignments, we ought to be satisfied and delighted. If there are twenty-seven retired officers who have applied to the Department to be allowed to accept this service, there are twenty-seven men that have been invited by some public authority to take the position. I regret to see anything being done that will have a tendency to discourage officers on the retired list from participating in the work of training the State troops and acting as instructors in colleges, because I think it is very important that the American youth should have such training.

Mr. SPOONER. Will the Senator allow me to interrupt him?

Mr. TELLER. Certainly.

Mr. SPOONER. Does not the Senator think also that it is an unjust imputation upon the officers who apply for such service that they are simply after additional pay, leaving out of consideration the desire of men who all their lives have been engaged in the duties of a soldier to continue as long as they are fit in the employment which has been their life work?

Mr. TELLER. Mr. President, I know a number of army officers who, by the strict law, passed some years ago, have been compelled to go upon the retired list. I know a number of such officers who would be as capable of discharging the duties incumbent upon them as army officers as they would have been twenty years ago; and I know, from contact with them, that there is a feeling amongst them that, if they could, they would like to continue in their profession. They would like to be doing something; and when the opportunity is presented to them to become the instructors of American youth they accept with pleasure, not, in my judgment, for the additional pay, but because of the service that they can still render their country in the line of their profession.

When interrupted by the Senator from Wisconsin [Mr. SPOONER]—and he never interrupts anyone except properly, to give a suggestion or to make one himself, and I think his last suggestion a very good one—I was about to say that I am one of those who believe in the National Guard when it is properly instructed, and I am one of those who do not believe that a national guard, without proper military instruction, is worth very much. I now know that my own military training was not worth anything, although at the time I thought it was. For that reason in every State where there is a national guard I want to see an army officer detailed to duty in connection with it, and in every college where they pretend to teach military tactics I should like to see a man holding a commission in the United States Army, either on the active or on the retired list.

Mr. President, as some of my associates know, I do not believe in a great army. I have myself believed in the education of trained officers. Every time I have had an opportunity to do so I have voted for increasing the number of cadets at our Military Academy and at our Naval Academy, and if I had my way I would still further increase the number of cadets both in the Military Academy and in the Naval Academy.

I believe in training the National Guard, so that if the time comes, if it ever does, as it may and has in the past, when in an emergency we want to raise a great army, we shall have, in the first place, trained men to command it, and, in the second place, we shall have among the people the military spirit which a properly instructed National Guard always engenders.

Nine officers have already been assigned to this service, and twenty-seven more are to have such employment. Mr. President, I wish every man on the retired list would have such employment if his physical and mental condition would allow him to properly perform its duties.

Here is this great army bill, carrying \$70,000,000, besides other

items of appropriation that may be added to it, and yet Senators object to the cost of adding 25 per cent to the salaries of officers on the retired list who are to engage in this work for the country. Mr. President, it looks to me as if it were exceedingly small business. I regret to hear anybody suggest that the only reason that these men, many of whom have covered themselves with distinction in one of the greatest wars of the past century, if not in the history of the world, accept these assignments for the simple purpose of adding a few dollars to their earnings. They accept this employment because they wish to assist in doing that which they have been doing for many years—serving their country—and they will never serve it better than in teaching the young men of the United States not only how to train, as we used to say when I was a boy, but how to fight, how to act, and how to conduct themselves as American soldiers ought.

Mr. PROCTOR. I offer an amendment in regard to a cable in Alaska. It is accompanied by a letter from the Secretary of War strongly recommending it. I ask that the letter may be printed in the RECORD, but I will not ask to have it read unless some Senator wishes to hear it.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Vermont, and the letter will be printed in the RECORD.

The letter referred to is as follows:

WAR DEPARTMENT,
Washington, January 26, 1905.

My DEAR SENATOR: I have received a call from gentlemen of Chicago who are interested in the construction of a railway from Seward to the Tanana River, in Alaska, to be called the Alaska Central Railway—a railway about 463 miles in length. Of this 20 miles of railroad have been constructed and 100 miles are under contract for construction during the coming year. The cable which has been recently completed by the Signal Corps of the Army reaches Valdez, and thence by a land line into the interior strikes the Tanana River, and thence to the Yukon, and thence down the Yukon to St. Michael, and by wireless telegraphy to Cape Nome. Seward, the terminus of this railway, on the Gulf of Alaska, is said to have a very fine harbor. It is off the cable line, but can be reached by a branch cable from Valdez 155 miles in length. When the Alaska Central Railway is completed and the telegraph line necessary to its operation is constructed, as it will be when the railroad is completed, the operation by the Government of its land line, at least as far as the Tanana River, which is quite expensive and rather burdensome, may be given up. The railway is being constructed without Government aid or guaranty.

It seems wise, in the development of so great a Territory as Alaska, incidentally and directly for the Government to aid so important a work. I therefore recommend that there be included in the military appropriation bill an amendment, as follows:

On page 5, after line 13, insert: "For continuing the cable from Valdez, Prince William Sound, to Seward, at the head of Resurrection Bay, Alaska, \$95,000, or so much thereof as may be necessary, this money to be immediately available."

Seward is now a town of more than 300 inhabitants, and with the construction of the railroad promises to be an important place in Alaska.

I may add that General Greeley, who has constructed the cable and telegraph line into Alaska, and who is very familiar with this Territory, concurs in my recommendation of this appropriation.

Very respectfully,

WM. H. TAFT, Secretary of War.

HON. REDFIELD PROCTOR,
Acting Chairman Committee on Military Affairs,
United States Senate.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Vermont will be stated.

The SECRETARY. On page 5, after line 13, it is proposed to insert:

For continuing the cable from Valdez, Prince William Sound, to Seward, at the head of Resurrection Bay, Alaska, \$95,000, or so much thereof as may be necessary, this money to be immediately available.

The amendment was agreed to.

The PRESIDENT pro tempore. Are there further committee amendments?

Mr. PROCTOR. That finishes the committee amendments.

Mr. CARMACK. I offer the amendment I send to the desk.

The SECRETARY. On page 16, line 10, after the word "dollars," it is proposed to insert:

Provided, That citizens of Porto Rico shall have the right of enlistment in the Regular Army of the United States, and the Secretary of War is hereby directed to organize a regiment, to be composed of citizens of Porto Rico, for service in said island, such regiment to be a part of the Regular Army of the United States. The colonel and lieutenant-colonel of said regiment may be chosen from the officers now in the Regular Army of the United States, but all other officers shall be citizens of Porto Rico. When the organization of such regiment has been completed the Porto Rico Provisional Regiment of Infantry shall be disbanded and discontinued.

Mr. PROCTOR. I shall have to raise the point of order against the amendment, although I am in entire sympathy with its general purpose. It is a matter that will have to be considered, and I hope in the next Congress some action that will be permanent may be taken in the general line of the amendment. But it is too late to consider it intelligently now. It is a good deal of a question.

Mr. CARMACK. What is the point of order?

The PRESIDENT pro tempore. The Senator from Vermont will state his point of order.

Mr. PROCTOR. That it is new legislation and proposes an increase in the Army.

The PRESIDENT pro tempore. The Chair is of opinion it is not in order.

Mr. CARMACK. Does the Chair rule that it is not in order?

The PRESIDENT pro tempore. The Chair holds that it is not in order.

Mr. TELLER. Mr. President, at the last session of Congress a provision became a law allowing the President to advance a certain class of officers one grade. A large number were advanced under it. There was a claim made, that I think was not well founded, but it had the support of the proper authorities, and they shut out some officers of merit who were practically in the same position as those who had the benefit of the bill. A large number of those officers have felt that they were improperly treated, and have asked me to present the matter in form, so that they may receive the benefit of the act of which their fellow-officers received the benefit.

I desire to offer the amendment which I send to the desk. If it does not suit the views of the chairman of the committee with respect to its form, I should like to modify it so that it will. I ask that the amendment may be stated.

The SECRETARY. On page 13, after the amendment offered by the Senator from Vermont, it is proposed to insert the following:

That so much of the act approved April 23, 1904, concerning increase of one grade to officers of the Army who served with credit during the civil war, entitled "An act making appropriation for the support of the Army for the fiscal year ending June 30, 1905, and for other purposes," be, and the same is hereby, amended so as to authorize the President to include in the provisions of said act officers below the grade of brigadier-general who have heretofore been retired under section 1243, Revised Statutes, and have not since been promoted, and also to include officers below the grade of brigadier-general with civil war records who were retired under the provision of the act of October 1, 1890, by reason of disability contracted in the line of duty, and also to include officers who may have been retired on a less grade than that to which they were actually entitled at date of retirement.

Mr. PROCTOR. Mr. President, I sympathize with the amendment, but I hope the Senator from Colorado will not press it to a vote. He knows very well that I have worked in harmony with him to get the most liberal law passed for the benefit of these retired officers.

The act we got at the last session involved a great deal of labor in construction. For that reason the nominations did not come to us until the present session. The officers were seven months behind, the Comptroller ruling that they could not be paid until they had been confirmed.

The Committee on Military Affairs, immediately after the session began, hurried the Department to send in the list, and used all possible haste to get them confirmed.

I think there are imperfections in the law. I think there are certain classes of officers, not great in number, who ought to be included. I earnestly worked when that bill was before Congress to insert in it the most liberal terms, but it did not include all that I think ought to be included, and I do not think the Senator's amendment does.

Early in the session I called on the Judge-Advocate-General for a construction of that act, and he has submitted a very extensive report, which I will admit I have not had time to read, as I saw it was impossible to act on it. I should think there are 20 or 30 pages, perhaps more. I am sure the committee at the next session will take up this matter and consider the views of the Judge-Advocate-General, and try, as far as in their power lies, to bring in a measure that will correct a few odd cases.

Mr. TELLER. By the legislation of the last session—

Mr. PROCTOR. I shall have to make the point of order. I dislike very much to do so, but I feel constrained to make it.

Mr. TELLER. Let me say a word.

Mr. PROCTOR. Certainly.

Mr. TELLER. By the legislation of the last session it became the policy of the Government when an officer retired to give him one grade higher than he had been enjoying. That had been done by the President, not only the present Executive, but by those preceding him, by promoting a man to a position to-day with the understanding that to-morrow he would resign. Under the operation of that system there were a great number of cases of hardship. There were men who, if they had not been favored by the Executive, would hardly have been selected by any committee authorized to make selection of meritorious persons for that advancement. It looked like too much favoritism, and I know one or two cases where men of high merit and service were left to go out upon a very low grade when men very much their inferiors were more than one grade above them when they went on the retired list.

That act cured a good many complaints, and I believe it took in practically all that this amendment would take in except

"about twenty. I think there are about twenty men who I believed at the time the amendment was drafted—and I impressed it here to the best of my ability—would be included in it. They are not included. If I had had the construction of the statute they would have been included in it. I am not going, of course, to quarrel with the construction of the officer who thinks it did not include them. But I wanted this measure to cover their cases. Having entered upon this policy, we certainly ought to carry it out in good faith, and every man who is entitled to it by virtue of his service ought to have it, if that is the policy.

I know the amendment is amenable to a point of order if the Senator in charge of the bill makes it. But upon the statement the Senator has made, that at the next session the committee will take up this matter and try to do justice, I am going to let the matter rest. I shall expect at the next session of Congress that the Senator from Vermont, who I suppose by that time will be chairman of the committee, will not fail to see that justice is done these soldiers, for I know he has the disposition to do justice to them, and he can do it so much better than anybody else that I hope he will take it up and prepare a bill, so that there shall be no further complaint.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. HANSBROUGH. I desire to call the attention of the Senator in charge of the bill to the language in the provision at the bottom of page 26. It reads as follows:

That hereafter no military post within the United States shall be established.

I suppose any post that is within the United States now is already established. What is probably meant is that hereafter no military post shall be established in the United States.

Mr. LODGE. That is what it says.

Mr. PROCTOR. That is the way it reads.

Mr. HANSBROUGH. It would be better language to put it the other way.

Mr. LODGE. Yes.

Mr. HANSBROUGH. It is a House provision. I suggest that after the word "post," in line 23, the words "shall be established" be inserted, and the same words be stricken out in lines 23 and 24.

Mr. PROCTOR. There is no objection to the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from North Dakota. The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 17984. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1906, and for other purposes; and

H. R. 18123. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1906, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

H. R. 2052. An act for the relief of Ramon O. Williams and Joseph A. Springer; and

H. R. 15477. An act to change the name of a portion of Thirteen-and-a-half street to Linworth place.

TRANSFER OF FOREST RESERVES.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 8400, "An act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendments, with an amendment as follows:

In section 2 of said amendment strike out the following words at the end thereof: "as any other wood or wood pulp;" so as to read:

"Sec. 2. That pulp wood or wood pulp manufactured from timber in the district of Alaska may be exported therefrom."

In section 4 insert the words "municipal or" before the

words "mining purposes" in the fifth line; and in the eighth line strike out the words "Secretary of Agriculture" and insert in lieu thereof "Secretary of the Interior;" so as to read as follows:

"Sec. 4. That rights of way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals within and across the forest reserves of the United States are hereby granted to citizens and corporations of the United States for municipal or mining purposes, and for the purposes of the milling and reduction of ores, during the period of their beneficial use, under such rules and regulations as may be prescribed by the Secretary of the Interior, and subject to the laws of the State or Territory in which said reserves are, respectively, situated."

To amend section 5 by striking out the word "as," after the word "States," in line 5, and insert therein "and for a period of five years from the passage of this act shall constitute;" so as to read:

"Sec. 5. That all money received from the sale of any products, or the use of any land or resources of said forest reserves, shall be covered into the Treasury of the United States, and for a period of five years from the passage of this act shall constitute a special fund available, until expended, as the Secretary of Agriculture may direct, for the protection, administration, improvement, and extension of Federal forest reserves."

GEO. C. PERKINS,

A. B. KITTREDGE,

PARIS GIBSON,

Managers on the part of the Senate.

JOHN F. LACEY,

F. W. MONDELL,

F. M. GRIFFITH,

Managers on the part of the House.

The report was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15895) "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 21, 22, 39, 40, 42, 61, 64, 74, 75, 91, 92, 95, 96, 103, 108, 109, 113, 117, 131, 138, 145, 146, 158, 164, 165, 170, 171, 173, 177, and 183.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, 36, 37, 38, 41, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 63, 65, 66, 67, 68, 70, 71, 72, 73, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 87, 88, 89, 90, 93, 94, 100, 101, 102, 104, 105, 106, 110, 111, 112, 114, 115, 116, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 130, 133, 134, 135, 136, 137, 140, 141, 142, 143, 144, 147, 148, 149, 150, 151, 152, 153, 155, 156, 157, 160, 161, 162, 163, 169, 172, 174, 175, 176, 178, 179, 180, 181, and 182, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the number proposed insert "nine;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$180,420;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$113,840;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$23,560;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$38,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "Chief clerk, at \$2,000; clerk and stenographer, at \$1,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: Strike out the matter inserted by said Senate amendment and insert in lieu thereof the following: "; one assistant in department of nautical instruments, \$1,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$41,040;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$89,660;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: Add after the word "dollars," in line 19, page 111 of the bill, the following: "; and all clerks and employees herein provided for the Pension Office who may be detailed and needed in other offices or bureaus of the Department of the Interior shall be estimated for in the Book of Estimates for 1907 in the office or bureau where actually employed;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$851,950;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$53,140;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: Strike out, in lines 5 and 6 of said amendment, the words "stamped envelopes and newspaper wrappers;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$211,640;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$157,960;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the words "at home and;" and in line 4 strike out the words "domestic and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$125,000;" and the Senate agree to the same.

S. M. CULLOM,
F. E. WARREN,
F. M. COCKRELL,
Managers on the part of the Senate.
LUCIUS N. LITTAUER,
LEONIDAS F. LIVINGSTON,
Managers on the part of the House.

The report was agreed to.

Mr. CULLOM. I ask permission to insert in the RECORD a brief report of the results of the conference.

The PRESIDENT pro tempore. The statement will be printed in the RECORD.

The statement referred to is as follows:

LEGISLATIVE BILL, 1906.

Amount as passed House	\$28,758,189.84
Increase by Senate	434,872.22
Amount as passed Senate	29,193,062.06
Net reduction made in conference	59,220.00
Amount of bill as agreed to in conference	29,133,842.06

HOUSE BILLS REFERRED.

H. R. 17384. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1906,

and for other purposes, was read twice by its title, and referred to the Committee on Military Affairs.

H. R. 18123. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1906, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

COMMISSION ON INTERNATIONAL EXCHANGE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Finance, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the final report of the Commission on International Exchange, constituted under the authority of the act of March 3, 1903, in compliance with the requests of the Governments of China and Mexico.

The work of the Commission has assisted greatly in the establishment of the new monetary system of the Philippine Islands, Mexico, and the Republic of Panama. The work done in China has, from the letter of the Prince of Ching, the head of the executive, been very helpful to that Government. Such improvements in the monetary systems of the silver-using countries bring them into closer connection with the gold-standard countries and are of very great benefit to the trade of the United States, and every effort should be made to encourage such reforms.

The attention of Congress is invited to the accompanying report of the Acting Secretary of State, whose request for a suitable appropriation for carrying on this valuable work in the manner which seems to him most practicable I heartily indorse and recommend to your favorable consideration.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 26, 1905.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. BEVERIDGE obtained the floor.

Mr. KITTREDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from South Dakota?

Mr. BEVERIDGE. Certainly.

REGISTRATION OF TRADE-MARKS.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (H. R. 16500) to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same, and that the unfinished business be temporarily laid aside for that purpose.

Mr. BEVERIDGE. That, I will say, is entirely agreeable to those who are in charge of the unfinished business. The understanding is that the bill called up will provoke no discussion. It ought not, certainly. It is very meritorious.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent for the consideration of a bill, which will be read to the Senate for its information.

The Secretary proceeded to read the bill.

Mr. TELLER. I should like to know what this bill is. I can not hear.

Mr. BEVERIDGE. A trade-mark bill.

Mr. TELLER. I should like to know what committee it comes from. I should like to know something about the bill. As I can not hear the bill as it is being read, I should like to know who stands back of it, at least.

Mr. KITTREDGE. It comes from the Committee on Patents.

Mr. TELLER. I think we are entitled to hear what it is.

The Secretary resumed and concluded the reading of the bill.

The PRESIDING OFFICER (Mr. PERKINS in the chair). Is there objection to the present consideration of the bill?

Mr. CLAY. Does the Senator from South Dakota desire to place the bill on its passage this evening? The bill embraces twenty-odd pages and thirty sections. It was called up by unanimous consent, and Senators have not had time to examine it. I have been trying to run through it. I have had a dozen letters in regard to this measure. It may have merit; probably it has. I do not know that I have any objection to it.

Mr. MARTIN. The letters were in favor of it?

Mr. CLAY. No; some were not in favor of it. It does strike me that the Senator ought to be willing to let the bill go over for a day or two that we may have time to look into it.

Mr. KITTREDGE. I am entirely willing that the bill shall go over until such time as suits the Senator's convenience, with this proviso: I should like to have the committee amendments acted upon.

Mr. CLAY. I have no objection in the world to that course, but I have not had time to read the bill.

Mr. KITTREDGE. After the amendments have been acted upon I shall have no objection to its going over.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Patents with amendments.

The first amendment was, in section 2, page 3, line 3, after the word "and," to strike out "facsimile" and insert "drawing;" so as to read:

That such trade-mark is used in commerce among the several States, or with foreign nations, or with Indian tribes, and that the description and drawing presented truly represent the trade-mark sought to be registered.

The amendment was agreed to.

The next amendment was, in section 5, page 6, line 12, after the word "any," to strike out the word "trade-mark" and insert "mark;" in line 13, after the word "the," to strike out "trade-mark" and insert "mark;" and in line 16, after the word "actual," to strike out "and lawful;" so as to read:

And provided further, That nothing herein shall prevent the registration of any mark used by the applicant or his predecessors, or by those from whom title to the mark is derived, in commerce with foreign nations or among the several States, or with Indian tribes, which was in actual use as a trade-mark of the applicant or his predecessors from whom he derived title for ten years prior to the passage of this act.

The amendment was agreed to.

The next amendment was, in section 14, page 12, line 13, before the word "dollars," to strike out "five" and insert "ten;" so as to make the paragraph read:

On filing each application for renewal of the registration of a trade-mark, \$10.

The amendment was agreed to.

The next amendment was, in section 30, page 20, line 18, after the word "effect," to strike out "upon its passage" and insert "April 1, 1905;" so as to make the section read:

SEC. 30. That this act shall be in force and take effect April 1, 1905. All acts and parts of acts inconsistent with this act are hereby repealed except so far as the same may apply to certificates of registration issued under the act of Congress approved March 3, 1881, entitled "An act to authorize the registration of trade-marks and protect the same," or under the act approved August 5, 1882, entitled "An act relating to the registration of trade-marks."

The amendment was agreed to.

The PRESIDING OFFICER. The amendments proposed by the committee have been agreed to, and without prejudice the bill will go over by request of the Senator from South Dakota [Mr. KITTREDGE].

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 46 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 27, 1905, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 26, 1905.

POSTMASTERS.

CONNECTICUT.

Frederick A. Smith to be postmaster at Colchester, in the county of New London and State of Connecticut, in place of Frederick A. Smith. Incumbent's commission expired February 2, 1904.

FLORIDA.

W. C. Eddy to be postmaster at De Funiak Springs, in the county of Walton and State of Florida, in place of John Astleford. Incumbent's commission expires February 11, 1905.

Alexander Zipperer to be postmaster at Madison, in the county of Madison and State of Florida, in place of Alexander Zipperer. Incumbent's commission expired January 17, 1904.

GEORGIA.

Thomas Quinney to be postmaster at Waynesboro, in the county of Burke and State of Georgia, in place of Thomas Quinney. Incumbent's commission expires February 22, 1905.

ILLINOIS.

George W. Hesser to be postmaster at Illiopolis, in the county of Sangamon and State of Illinois. Office became Presidential July 1, 1904.

IOWA.

William D. Jacobsen to be postmaster at Lyons, in the county of Clinton and State of Iowa, in place of William D. Jacobsen. Incumbent's commission expired December 13, 1903.

James F. Jordan to be postmaster at Valley Junction, in the

county of Polk and State of Iowa, in place of James F. Jordan. Incumbent's commission expires February 4, 1905.

Philip M. Mosher to be postmaster at Riceville, in the county of Mitchell and State of Iowa, in place of Philip M. Mosher. Incumbent's commission expires February 4, 1905.

Oswell Z. Wellman to be postmaster at Arlington, in the county of Fayette and State of Iowa, in place of Oswell Z. Wellman. Incumbent's commission expires February 4, 1905.

LOUISIANA.

Jacob Plonsky to be postmaster at Washington, in the parish of St. Landry and State of Louisiana. Office became Presidential January 1, 1905.

MAINE.

Charles E. Atwood to be postmaster at Biddeford, in the county of York and State of Maine, in place of Elisha E. Clark, deceased.

MINNESOTA.

James A. Martin to be postmaster at St. Cloud, in the county of Stearns and State of Minnesota, in place of Harvey G. Wire, removed.

MISSISSIPPI.

Felicie L. Delmas to be postmaster at Scranton, in the county of Jackson and State of Mississippi, in place of Felicie L. Delmas. Incumbent's commission expired January 16, 1905.

Andrew J. Hyde to be postmaster at Meridian, in the county of Lauderdale and State of Mississippi, in place of Andrew J. Hyde. Incumbent's commission expired December 13, 1903.

MONTANA.

Albert Pfau to be postmaster at Lewistown, in the county of Fergus and State of Montana, in place of Alfred J. Stephens, removed.

NEW YORK.

Arthur B. Burrows to be postmaster at Andover, in the county of Allegany and State of New York, in place of William B. Bundy. Incumbent's commission expired January 16, 1905.

Ebenezer Evans to be postmaster at Waterville, in the county of Oneida and State of New York, in place of Ebenezer Evans. Incumbent's commission expired March 20, 1904.

David L. Jamieson to be postmaster at New York Mills, in the county of Oneida and State of New York, in place of David L. Jamieson. Incumbent's commission expires January 31, 1905.

Marion O. Martin to be postmaster at Honeoye Falls, in the county of Monroe and State of New York, in place of Marion O. Martin. Incumbent's commission expires February 4, 1905.

P. S. Spaulding to be postmaster at Whitesboro, in the county of Oneida and State of New York, in place of Charles E. Smith. Incumbent's commission expired May 28, 1904.

Joseph F. Stephens to be postmaster at Highland Falls, in the county of Orange and State of New York, in place of Joseph F. Stephens. Incumbent's commission expires February 4, 1905.

NORTH CAROLINA.

Bernard W. Leavitt to be postmaster at Southern Pines, in the county of Moore and State of North Carolina, in place of Asaph M. Clarke. Incumbent's commission expires February 7, 1905.

Charles A. Reynolds to be postmaster at Winston-Salem, in the county of Forsyth and State of North Carolina, in place of Charles A. Reynolds. Incumbent's commission expires February 7, 1905.

NORTH DAKOTA.

Willis H. Rogers to be postmaster at Hunter, in the county of Cass and State of North Dakota. Office became Presidential January 1, 1905.

OREGON.

Homer C. Atwell to be postmaster at Forest Grove, in the county of Washington and State of Oregon, in place of Homer C. Atwell. Incumbent's commission expired December 20, 1904.

Charles J. Howard to be postmaster at Cottage Grove, in the county of Lane and State of Oregon, in place of Charles J. Howard. Incumbent's commission expires February 4, 1905.

PENNSYLVANIA.

Samuel P. Arnold to be postmaster at Curwensville, in the county of Clearfield and State of Pennsylvania, in place of Reginald H. Brainard. Incumbent's commission expires February 8, 1905.

Zacharias A. Bowman to be postmaster at Annville, in the county of Lebanon and State of Pennsylvania, in place of Zacharias A. Bowman. Incumbent's commission expires February 8, 1905.

E. M. Frye to be postmaster at Monessen, in the county of Westmoreland and State of Pennsylvania, in place of Charles M. Derickson. Incumbent's commission expires January 31, 1905.

Henry G. Moyer to be postmaster at Perkaskie, in the county

of Bucks and State of Pennsylvania, in place of Joseph G. Moyer. Incumbent's commission expires February 8, 1905.

W. L. Stevenson to be postmaster at West Newton, in the county of Westmoreland and State of Pennsylvania, in place of James Q. Waters, resigned.

WEST VIRGINIA.

T. J. Honaker to be postmaster at Beckley, in the county of Raleigh and State of West Virginia. Office became Presidential January 1, 1904.

WISCONSIN.

James Carr to be postmaster at Bangor, in the county of La Crosse and State of Wisconsin. Office became Presidential January 1, 1905.

WITHDRAWAL.

Executive nomination withdrawn January 26, 1905.

Oscar Bowen to be postmaster at Bangor, in the State of Wisconsin.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 26, 1905.

REGISTER OF THE LAND OFFICE.

Albert H. Blair, of Wakeeney, Kans., now register of the land office at that place, to be register of the land office at Colby, Kans., to take effect February 15, 1905.

APPOINTMENT IN THE NAVY.

Joseph M. F. McGinty, a citizen of New York, to be a chaplain in the Navy from the 16th day of January, 1905.

PROMOTIONS IN THE NAVY.

Lieut. Commander James H. Sears to be a commander in the Navy from the 12th day of January, 1905.

Lieuts. (Junior Grade) Frederick J. Horne, jr., James R. Combs, and Charles H. Fischer to be lieutenants in the Navy from the 1st day of January, 1905.

Asst. Naval Constructor Guy A. Bisset to be an assistant naval constructor in the Navy, with the rank of lieutenant, from the 31st day of August, 1904.

Asst. Naval Constructors John E. Bailey and Henry M. Gleason to be assistant naval constructors in the Navy, with the rank of lieutenant, from the 30th day of September, 1904.

Gunner Patrick Hill to be a chief gunner in the Navy, from the 29th day of October, 1904, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved April 27, 1904, to correct the date of his promotion as confirmed on December 16, 1904.

APPOINTMENT IN THE ARMY.

Military Secretary's Department.

Alexander O. Brodie, of Arizona Territory, to be assistant chief of the Record and Pension Office, with the rank of major.

PROMOTIONS IN THE ARMY.

Pay Department.

Capt. Otto Becker, paymaster, to be paymaster with the rank of major, January 15, 1905.

Subsistence Department.

Lieut. Col. Henry B. Osgood, deputy commissary-general, to be assistant commissary-general with the rank of colonel, January 19, 1905.

Maj. William H. Baldwin, commissary, to be deputy commissary-general with the rank of lieutenant-colonel, January 19, 1905.

Medical Department.

Lieut. Col. John Van R. Hoff, deputy surgeon-general, to be assistant surgeon-general with the rank of colonel, January 19, 1905.

Maj. William B. Davis, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel, January 19, 1905.

Capt. Champe C. McCulloch, jr., assistant surgeon, to be surgeon with the rank of major, January 19, 1905.

Ordnance Department.

Lieut. Col. Charles S. Smith, Ordnance Department, to be colonel, January 19, 1905.

Maj. Andrew H. Russell, Ordnance Department, to be lieutenant-colonel, January 19, 1905.

Capt. Beverly W. Dunn, Ordnance Department, to be major, January 19, 1905.

POSTMASTERS.

ALABAMA.

George F. Schad to be postmaster at Brewton, in the county of Escambia and State of Alabama.

CALIFORNIA.

Jesse H. Dungan to be postmaster at Woodland, in the county of Yolo and State of California.

Frank H. Owen to be postmaster at Winters, in the county of Yolo and State of California.

COLORADO.

Thomas H. Davy to be postmaster at Fort Collins, in the county of Larimer and State of Colorado.

NEW YORK.

John N. Van Antwerp to be postmaster at Fultonville, in the county of Montgomery and State of New York.

OREGON.

Harrison Kelly to be postmaster at Burns, in the county of Harney and State of Oregon.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 26, 1905.

The House met at 12 o'clock m.

Prayer by Rev. JOHN VAN SCHAIK, Jr.

The Journal of yesterday's proceedings was read and approved.

EXPENSES OF IMPEACHMENT TRIAL OF JUDGE CHARLES SWAYNE.

Mr. HEMENWAY. Mr. Speaker, I desire to take from the Speaker's table Senate joint resolution 97, and ask for its immediate consideration.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the Senate joint resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. R. 97) providing for the payment of the expenses of the Senate in the impeachment trial of Charles Swayne.

Resolved, etc. That there be appropriated from any money in the Treasury not otherwise appropriated the sum of \$40,000, or so much thereof as may be necessary, to defray the expenses of the Senate in the impeachment trial of Charles Swayne.

The SPEAKER. Is there objection?

Mr. HUGHES of West Virginia. I object.

The SPEAKER. The gentleman from West Virginia objects. Mr. HUGHES of West Virginia. I want to find out why it is necessary for that amount to be appropriated for this purpose. It seems entirely too much.

Mr. HEMENWAY. I think it is too much; but no portion of it will be expended except that which is absolutely necessary; and I did not think it advisable to amend it.

Mr. HUGHES of West Virginia. Mr. Speaker, I withdraw my objection.

The SPEAKER. The gentleman withdraws his objection. Is there further objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. WADSWORTH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the agricultural appropriation bill.

AGREEMENT WITH INDIANS ON THE SHOSHONE OR WIND RIVER RESERVATION, WYO.

Mr. FITZGERALD. Mr. Speaker, before the House goes into Committee of the Whole, I ask unanimous consent to present the views of the minority on the bill (H. R. 17394) to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations for carrying the same into effect.

The SPEAKER. The gentleman from New York asks unanimous consent to file the views of the minority on the bill that he has named. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to.

AGRICULTURAL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CURRIER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 18329, the agricultural appropriation bill. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 18329) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1906.